MONTANA

THE LAND OF SHINING MOUNTAINS

KATHARINE · B · JUDSON

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Rand McNally's New 11 x 14 Map of Montana.

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Longitude West from Greenwich

MONTANA

"THE LAND OF SHINING MOUNTAINS"

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"THE SHINING MOUNTAINS"

As seen from the Flathead Valley

978.5
J92M

MONTANA

"The Land of Shining Mountains"

BY

KATHARINE BERRY JUDSON

WITH 24 ILLUSTRATIONS AND A MAP

THIRTEENTH EDITION

A.C. McCLURG

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PREFACE

THIS little book does not profess to be a history. It is simply an historical reader, written to give to children, in proper sequence, some of the romantic and picturesque scenes from the early history of Montana, and to inspire them with a wish to know more of the history of their State.

In the early settlement of the West, the section now known as Montana was overlooked. Travellers bound for Old Oregon, dreaming of the fertile, well-watered country on the coast, were not attracted by the sweeping plains of Montana nor by the rugged mountains. Those who came up the Missouri River in "fire canoes" passed over Mullen's road to Walla Walla and onward toward the Pacific. Those who travelled westward over the "Great Medicine Road of the Whites" were anxious only to reach their journey's end, and few turned aside into the inhospitable region of the Rocky Mountains. It was only when rumors of gold spread through the West and through "the States" that

others besides trappers and traders sought the Shining Mountains.

The history of Montana has been overlooked in a somewhat similar way. The broad, brown buffalo plains are skilfully depicted by George Bird Grinnell, and the Oregon trail is known to every schoolboy through Parkman's fascinating work. The Rocky Mountains have their historians, but these seldom more than touch upon Montana. Old-time Oregon has many a student in the universities and cities along the Pacific coast, but in almost every case is Montana west of the Rockies, once a part of Oregon, overlooked. The only part of the State's history which has been at all well worked out is the identification of the Lewis and Clark trail by Olin D. Wheeler and Elliott Coues, and this is due partly to the fact that Lewis and Clark spent more time in what is now Montana than in any other part of the unknown West explored by them. As a result, the history of Montana has hardly as yet been attempted. Hubert Howe Bancroft did pioneer work, but for the people of the State to-day, and especially for the children, there is no pop-

ular book from which they can secure a clear, straightforward account of its romantic history.

A personal recognition of this deficiency, supplemented by the request of the Superintendent of Schools at Kalispell, induced the author to undertake the present outline sketch. Thanks for suggestion and encouragement are especially due to Mr. W. E. Harmon, State Superintendent of Schools, to City Superintendents Mr. W. D. Swetland at Kalispell, and Mr. Randall J. Condon at Helena, as well as to Mr. W. S. Bell, Librarian of the Montana Historical Society, and to others.

K. B. J.

Seattle, Washington,

January 23, 1909.

CONTENTS

CHAPTER		PAGE
I.	Montana Long Ago	15
II.	Lewis and Clark in Montana	22
III.	A Race for Life.—The Trappers	39
IV.	Furs, Forts, and Fights	50
V.	Indians around the Woodpiles	63
VI.	Indians on Horseback	76
VII.	Gold!	95
VIII.	Vigilante Days	105
IX.	Pioneer Days	117
X.	Indian Battles	131
XI.	Indian Beliefs and Legends	146
XII.	How the Indians Lived	158

APPENDIX

	Brief Annotated Bibliography of Books Touching upon Montana History	179
	State Constitution of Montana	189
	Index	239

ILLUSTRATIONS

PAGE

The Shining Mountains as Seen from the Flathead Valley . . . . . *Frontispiece*

Buffaloes 18

On the Plains of Montana—Dragging Brush for the Medicine Lodge 24

Assiniboin Tepees on the Plains 30

Glittering Peaks, North of Lake McDonald . . 40

Jim Bridger, the Trapper 46

A Road through the Tamaracks, near Lake McDonald 56

A Sioux Chief 66

Tepees in the Valley 78

Bannack in the '60's 96

Virginia City in Early Mining Days 102

Road Agent Rock on Old Stage Road near Bannack . 108

Early Day Freight and Express Line 118

A Harvest in the Flathead Valley 126

Curley, Custer's Scout 132

Two of the Chiefs Who Fought against Custer . . 136

ILLUSTRATIONS — *Continued*

The Lonely Field Where Custer and His Men Fell . 140

Monument to Custer and His Men 142

Ready for the Procession 148

Bells and Beads 156

A Flathead and a Blackfoot Boy 160

Indian Finery 164

A Month-old Papoose in Its Cradle 168

An Indian Travois 170

"Dressed Up" 174

MONTANA

"THE LAND OF SHINING MOUNTAINS"

RELIEF MAP OF THE UNITED STATES

MONTANA

"The Land of Shining Mountains"

CHAPTER I

MONTANA LONG AGO

THE Indians called Montana the Land of Shining Mountains. They gave it that name because of the peculiar glistening of the high peaks, white with snow. In winter and in early summer, from far out on the plains, the Indians could see these glittering mountains.

Montana means *mountainous*, and that is how the Territory, later the State, got its name,— because of these beautiful shining mountains. It was not known as Montana until the year 1864.

In the early days, before white men came into this wild, rugged region, nobody knew anything about it except the Indians. Then came the expedition of

Lewis and Clark in 1805. They were the very first white men who ever crossed these heights. The next year a few more, very bold and daring, began to travel among these Shining Mountains, looking for furs. Some of them were trappers who hunted wild animals for the sake of their skins. Others were traders who gave the Indians beads, calico, blankets, bullets, powder, guns, and even whiskey, while the Indians, in exchange, gave them the skins of beavers, buffaloes, wolves, deer, foxes, and other animals.

Do you know how the country looked before the white men came? Let us put on magic caps that will carry us back to the year 1800, before Lewis and Clark even, when no white man had ever yet set foot in these mountains. Then we will go up in a balloon so that we can look out over the country.

Our balloon is going up from near Great Falls — straight up for perhaps half a mile. Now look down. There is no city beneath us — nothing there but the great waterfalls of the Missouri. You cannot see a house or barn, or a street-car or a railroad train or a steamboat, or even a single white man. There is

only the river as it dashes and foams over the falls. The Missouri River comes into our story very often.

But what can you see? Look! Away out on the green, grassy plains to the east and north, do you see those great herds of hump-backed buffaloes? There are thousands and tens of thousands of them. In some places the plains instead of being green with grass are brown with buffaloes.

Between the herds, perhaps a mile or two from them, do you see the Indian camp with the tepees arranged in circles? Our magic caps give us very sharp eyes, so you can see the squaws dressing the skins, making pemmican, and drying some of the buffalo meat. Pemmican is dried buffalo meat pounded into bits and mixed with buffalo tallow. It is put into skin bags and will keep a long time.

Indians are going out from camp to kill more buffaloes. See! The braves are jumping on their trained ponies and riding straight into a herd. They have only bows and arrows, because until the traders come the Indians have no guns. They kill young cows for food, leaving them lying here and there on

the ground for the squaws to dress while they hunt down others. Some they kill, not for food, but for the skins, which they will use for covering their tepees and for trading. Over there a brave is chasing an old buffalo with a very tough, thick hide. This skin the Indians want to use for a bull-boat. It is not easy to kill this old one. The first arrow wounded him, but he is charging straight at the Indian's pony. He lowers his shaggy head, rushes at the pony, and tries to catch it on his horns. But look! The pony is trained and jumps away. It jumps so cleverly that the Indian has a chance to shoot another arrow just where it will kill the buffalo which tumbles down in a dark heap on the plain. He fought hard, but the pony and Indian were too clever for him.

But the killing of these buffaloes has frightened others. They are easily frightened. Sometimes just the shadow of a cloud on the ground will stampede an entire herd. One begins to run, then another and another, and away they all go, bellowing loudly, until they disappear in a great cloud of dust. When these great herds go racing over the plains the sound

BUFFALOES

of their hoofs is like thunder, and old trappers say they seem almost to shake the earth.

If you look east and north, no matter how sharp are your eyes, you can see nothing but these boundless plains, a few strange-looking buttes, and the gleam of rivers with bluffs and trees along the banks. The plains are green with grass in the Spring and covered with beautiful wild flowers, blue, pink, yellow, white, and red. There are no hunters yet, no ranches, no cowboys. Even if you look far, far away to where the sky fits down like a big blue bowl over the green plain, you can see nothing moving except the Indians, and buffaloes or other wild animals.

Now look in the other directions, south and west. See how different everything is! Everywhere are the great rugged mountains, covered with endless forests of pine, spruce, fir, and tamarack, far up to the snow-line. The tops of the peaks are covered with the shining snow.

In among the mountains are beautiful little valleys, called, in trappers' slang, "holes." Now our balloon is moving toward them, and you can hear the rushing

and roaring of the foaming streams as they come thundering down the steep mountains and dash across these holes. In these valleys you see the Indian camps with the tepees always arranged in circles, but you cannot see any buffaloes. They are all out on the plains. But you can see mountain sheep, moose, and elk. You can hear the howling of wolves, and if you look closely you can see panthers and mountain lions slipping along the streams, watching for a chance to pounce upon a deer when it comes down to drink. Up in the sky, do you see the eagles circling about their nests in the tops of old broken trees far up on the mountain sides?

Under the towering mountain peaks, do you see the beautiful blue lakes? Some are large and some small, but most of them were only foaming, rushing streams until the end of the valley became blocked up, perhaps by a landslide. The water, since it cannot escape, forms a lake.

But you cannot see any trappers, traders, or miners. They have not yet come into this region. Even Lewis and Clark, the first white men, have not yet

explored the Missouri River and crossed these heights. All of this wonderful country, the future State of Montana, five hundred and forty miles long and two hundred and seventy-five miles wide, remains for many, many years an unknown land. No one knows anything at all about it except the Indians, and they simply call it the Land of Shining Mountains.

CHAPTER II

LEWIS AND CLARK IN MONTANA

WHEN we were up in our balloon, no white man, you will remember, had ever crossed the Shining Mountains. Only one, a French explorer, in 1743, had seen them. They did not even have a name. When Lewis and Clark crossed them in 1805 (five years after our balloon trip), they called them the Shining Mountains, the Snowy Mountains, the Stony Mountains, and once or twice, the Rock Mountains.

Now, in 1803 the United States bought a broad sweep of country called Louisiana, which stretched from the Mississippi River to the Rocky Mountains. The Government knew that somewhere, far behind this great range of mountains, lay the Pacific Ocean, but nobody knew how far it was to the ocean, nor how wide were the plains, nor how high the mountains which had to be crossed. So two years later, President Jefferson sent out an exploring party called the Lewis and Clark Expedition, to find out just what

sort of a country this "Louisiana Purchase" was, as well as the country beyond it.

Captain Lewis and Captain Clark, with twenty-six men, started from St. Louis up the Missouri River. They came by water, because it is always easier to travel in that way through a strange country, and also because they wanted to find the source of the river. They spent a great deal of time in that part of the Louisiana Purchase which is now called Montana and had many of their most exciting adventures there.

Their three boats reached the mouth of the Yellowstone on April 25, 1805. The Indians first, and afterwards the French, called that river "Yellow" because of some very yellow stones which glistened like gold along the upper end of it. The explorers thought this was a good point for a fur-trading post with the Indians; and afterwards, in 1832, Fort Union was built there. It became very famous.

Next they came to Milk River. They called it "Milk" because the water had a strange whiteness, as though one put a "teaspoonful of milk in a dish

of tea," the explorers said. But the Indians called it "the river which scolds at all the other rivers."

All the way up the river they saw great herds of buffaloes, deer, elk, antelope, and flocks of geese, ducks, and prairie chickens. They saw a good many brown and grizzly bears, which were very fierce.

One day, as six hunters from this party, all good shots, were coming along the river, they saw a large brown bear. Several of them fired, and each one hit the bear. Although wounded, it sprang up furiously and ran toward the men. Two more of them shot at it and broke its shoulder bone. Any really sensible bear would have died right there, with all those bullet wounds; but not this one. With blazing eyes and wide-open mouth showing its enormous teeth, that bear came straight at the hunters. They had not time to reload their guns, so they ran. Two jumped down the bank into a canoe. The bear chased the other four into the willows, following close at their heels. Two of these four threw away their guns and powder pouches and jumped down a twenty-foot bank. Down went the bear after them! It was so close it was

Photo. by S. W. Matteson.

ON THE PLAINS OF MONTANA

Dragging brush for the Medicine Lodge

just raising its paw to strike one of the hunters, when *bang!* — the bear was dead. One of the hunters in the canoe had sent a bullet through its head and killed it. But eight bullets, in all, had struck that bear!

All sorts of accidents, on water and land, befell the explorers between the Yellowstone River and the Great Falls of the Missouri. Sometimes it was a fire, or a buffalo, or a heavy storm, or perhaps just a slip of the foot that almost cost a life.

On the same day that the grizzly was killed, a gust of wind almost capsized one of the canoes. It happened to be the one that held all their instruments for measuring the heights of mountains, for taking latitude and longitude, with all their reports, medicines, and other things of great value. If that canoe had capsized and all these important instruments had gone to the bottom of the river, the explorers would have had to return to St. Louis without crossing the mountains. But, fortunately, the boat was righted and everything saved through the quick-wittedness of a squaw named Sacajawea,* the wife of the guide. It

*Pronounced Sa-ca′-ja-we-a.

took only a few moments and seemed a little thing to do, but it was really very important.

A week later, a tree standing in the middle of the camp caught fire at night. When the men awakened, it had almost burned down and they had to hurry to pull their things away. They had hardly reached a safe place when the tree fell on the very spot where they had just been sleeping.

A scared buffalo caused a great commotion a few nights after this. He swam across the river in the dark, stumbled over a canoe and broke it to pieces, and then, frightened by the camp-fire, rushed in among the men, coming within eighteen inches of the heads of a row of sleepers. The more the sentinel tried to drive him away, the more scared became the buffalo, and he plunged around the camp, finally racing almost into the tent where Lewis and Clark were sleeping. The barking of their little dog frightened him away, and at last he plunged back into the river and swam to the other side.

When Maria's River was reached, although only a branch of the Missouri, it was so broad a stream they

could not tell which was the main river. The only way the Indians could describe the true Missouri was to say it had great waterfalls in it, so from this point they were always on the lookout for waterfalls.

Lewis, with a few men, followed Maria's River for three or four days, and at one point almost lost his life. He slipped on the edge of a ninety-foot bluff and just saved himself from going into the river below by striking his pike into the earth. Then gradually he pulled himself back from the edge. Just as he reached a spot where he could stand safely, he heard one of his men call, "Captain, what shall I do?" The man had slipped in just the same way, but so far that already one arm and one leg were over the edge. Captain Lewis told him to hold on with one hand and with the other to dig a little hole in the side of the bluff with his knife. It was not an easy thing to do for a man half over a precipice, but when it was done, he braced his foot in the hole and pulled himself back from the edge. Then he took off his moccasins, that he might slip less, and crawled farther back on his hands and knees.

They did not find the falls, so they named the river and returned to join the rest of the party, and to follow the other stream.

Of course, Lewis and Clark knew nothing whatever of the region in which they found themselves. They knew that this stream must be either the Missouri or a branch, that the Missouri River had its head waters somewhere in the mountains, and that they were going to cross those mountains and then travel on until they reached the Pacific Ocean. So Lewis, with four men, followed the river on foot, as closely as they could, while Clark, with the rest of the men, went up in dugouts. Two of the large boats in which they left St. Louis were hidden, because the river was too swift for them. The third had been wrecked.

Lewis and his men marched along in the warm, clear sunlight of a beautiful June day, with a fresh breeze blowing from the Shining Mountains which, all white with snow, glittered in the sun. Wild flowers blossomed everywhere, and great herds of buffaloes roamed over the plain around him. It was a glorious

morning, and Lewis wrote down in his journal that this Land of the Shining Mountains was one of the most beautiful countries he had ever seen.

On he marched, following the river, looking for the falls. Hark! What was that? In the distance he heard a noise like faint thunder. Then he saw something which looked like smoke rising across the plain. He knew in a minute it was the noise and the mist from the Great Falls of which the Indians had told him. As he came nearer and nearer, the roar of falling water told him he was on the true Missouri. Captain Lewis was the first white man who ever saw the Great Falls of the Missouri River.

The five men camped at that spot until Clark and his men came up in the canoes.

No wonder that the Indians thought that it was description enough to say that the Missouri River had falls in it. The stream, beginning at this point, for eighteen miles is a series of falls. There are five large ones and several smaller ones. Each large fall has a name now, such as Great Falls, Rainbow Falls, and one is called the Crooked Falls. In this

last one the water seems to run in every direction. It seems to flow downwards, crosswise, and every queer way. Some people say it even falls upstream.

Now the explorers had found it hard enough to reach the falls, but they found it even harder to get away from them. Those eighteen miles of falls were impassable for canoes, so these had to be carried and all the baggage besides. This was very hard for many reasons. The ground was all cut by ravines and gullies. Worse than that, the earth — a kind of soil known as "gumbo" — when wet had been tramped over by buffaloes with their split hoofs, so when it dried it was all in little hard, sharp points. These sharp points and the thorns from the prickly pear cactus, which covered the ground, cut through their moccasins. For their shoes had worn out long before. The men limped all the time, and some of them could hardly stand. Ordinary walking was hard enough, but they had all their baggage to carry as well. How were they to do that?

Only one round cottonwood tree, the only one within twenty miles, was large enough to help them.

Photo. by S. W. Matteson

ASSINIBOIN TEPEES ON THE PLAINS

The wealth and importance of an Indian is indicated by the size of his tepee

After chopping the tree down, they cut off round slices to use as wheels for hauling the canoes. That saved some work; but the axles, being of soft wood, broke constantly as the canoes were pulled through gullies and ravines on these home-made wheels. Besides all that, the weather became intensely hot, grizzly bears were very savage and often attacked them, thunderstorms sent down showers of hailstones, and a cloudburst nearly drowned one of the captains, the guide, and Sacajawea. The explorers were glad indeed to get their baggage past the falls and launch their dugouts again.

After leaving the Great Falls, they followed the river through the Gates of the Mountains, a wonderful canyon about eighteen miles from Helena, up to the Three Forks of the Missouri. Here they rested a while and prepared for crossing the mountains. They hunted buffaloes and deer, "jerked" the meat, made pemmican, and gathered all the food they could. Sacajawea made moccasins for them and helped them to make clothes from skins.

At this point and at other places in Montana,

the explorers had to *cache*, or hide, things which they could not carry with them. They hoped to find these hidden things when they returned.

A *cache*, as made by Lewis and Clark, was simply a big hole in the ground, with a narrow opening at the top. To prevent the fresh earth from attracting attention, it was piled on blankets as it was taken out of the hole and thrown into the river. When the hole was completed, the bottom was filled three or four inches deep with brushwood, because water might collect there. A buffalo robe was laid over the brush. Brushwood was also put at the sides of the hole to prevent anything from touching the damp earth. Then the men packed in all the corn, pork, flour, powder, lead, and tools which they could not carry over the mountains, put buffalo skins on top of all, filled in some earth, and finally replaced the little piece of sod on top. Some fallen trees were thrown over the cache to prevent wild animals from digging it up, and everything possible was done to hide all traces of it from the Indians.

But of the three or four caches which Lewis and

Clark made, only one was in good order when they returned from the coast. Through heavy rains the others had fallen in and all the supplies, except the powder in lead cans, were spoiled.

The explorers thought it strange they met no Indians, since all the trails in Montana led to the Three Forks. It was a beautiful country, always full of game, and the Indians often came there to hunt. From the north came the Blackfeet; from the east and south the Bannacks and Crows; from the west, the Flatheads and Kalispels (popularly known as Pend d'Oreilles*); from the northwest, the Shoshones,† or Snakes. Because the tribes met there so often in their hunting, Three Forks became a general Indian battle ground.

Friendly Indians were needed now. Lewis and Clark wanted to cross the mountains, and the squaw wanted to find her own people. She was a Shoshone Indian who had been taken prisoner at the Three Forks when she was a young girl. Now, with her tiny papoose on her back, she was leading the ex-

*Pronounced Pond-o-ray'. †Pronounced Sho-sho'-nees.

plorers into her own country. She recognized certain places, with her wonderful Indian memory, although she had seen them only once before. So she knew where to go, and that was a great deal more than the guide or any of the white men knew.

At last, one day as Lewis, with two men, was marching along the Jefferson, he saw an Indian. He took a blanket, threw it over his head, and brought it down to the ground unfolded, as though spreading a seat for a guest. This was the Indian way of saying he was a friend. But the man ran away.

Next day, Lewis met two more Indians with a dog. They also ran away. The whites followed a well-beaten trail and soon came across three Indian squaws. They were badly frightened and threw their buffalo robes over their heads, which meant that they expected to be killed. The whites gave them presents and painted their faces. They had hardly finished when they heard a war-cry, and down came a crowd of yelling, whooping braves, ready to fight.

Now, to paint an Indian's face, or to give him paint for his face, in those days, was to make an

Indian your friend. The squaws showed their painted faces to their own tribe, and immediately the braves, to show how friendly they were, rubbed their own greasy, painted cheeks against the cheeks of the white men. The whites had to take all this without showing annoyance, for the good will of these Indians was necessary.

Now came a great surprise. Sacajawea found that the chief of this tribe was her own brother. When she told him how good the whites had been to her, he sold the explorers horses, gave them food, and helped them to cross the mountains. Without the help of these Shoshones, the explorers would have had a great deal of trouble.

After crossing the mountains, they met, at Ross's Hole, a party of Indians whom they called Ootlashoots. These Ootlashoots were really our own Flathead Indians. They, too, were very friendly, holding a great council of peace and selling them horses.

A few years ago, the grandson of one of these early Flatheads told Father d'Asté of the St. Ignatius Mission what the Indians thought of this meeting.

He said the old chief did not at first know what to think of men who did not wear buffalo robes. He had never seen one before and he thought they must be enemies. But when they seemed friendly, he called a council.

At this council were many of the important men and the chiefs of the Flatheads, and these two strange-looking white men. In the pipe of peace, the Indians used, instead of tobacco, kinnikinnick. Lewis and Clark did not like the taste of it, so they offered the Indians some real tobacco. The red men attempted to smoke this but it was so strong they began to sneeze and cough, and Lewis and Clark had a good laugh over all their sneezing and sputtering. Then the explorers took the pipe, filled it with half kinnikinnick and half tobacco. That pleased the council immensely. After the different tribes of Western Indians had learned to use tobacco, it became a valued possession and was always a welcome gift from the whites.

After Lewis and Clark had visited with the Flatheads for three days, they started off again to find the

Pacific Ocean, and the red men pointed out to them the Lo Lo trail as the easiest way of crossing the Bitter Root Mountains.

The crossing of the Bitter Roots was the hardest work which the explorers had done since they left St. Louis. These mountains are sometimes called "Savage," it is so difficult to travel through them. They are covered with dense forests, with thick underbrush. There were no trails then, and fallen trees lay everywhere. Boats could not be used because the rivers were all in deep gorges, or full of waterfalls and rapids. There were deep ravines and wild canyons to cross.

They had to move slowly through such difficulties, yet they needed to hurry because there was already snow on the mountains, and food was very scarce. There was little game in the Bitter Roots, and hunting was almost impossible.

Finally, after much suffering, they succeeded in crossing, and then followed the Columbia River to the Pacific Ocean. After some months they came back among the Shining Mountains on their return to St. Louis.

On their way back after crossing the mountains they separated into two parties. Captain Lewis, with nine men, went straight to the Great Falls of the Missouri, then down the river to the mouth of the Yellowstone. But in another side trip to Maria's River, he was attacked by Blackfeet, who tried to run off his horses. To save the horses and baggage, he shot a brave. The tribe never forgot it. John Colter, a year or two later, shot another Blackfoot, so the tribe regarded all whites as their enemies. For years and years afterwards, the Blackfeet killed in revenge every white man they met.

Captain Clark, with the rest of the men, went back to the Three Forks of the Missouri, then over to the Yellowstone and down that river to where it flows into the Missouri. There he met Lewis. They started down the Missouri to St. Louis, where they all arrived safely. Although they had spent two years in the Indian country, not a single man in the entire party had been killed by redskins.

CHAPTER III

A RACE FOR LIFE.—THE TRAPPERS

SUCH dangers as the early trappers had to face! A poisoned arrow from an Assiniboin* hidden in the brush, or the quick *bang!* from the rifle of a Blackfoot concealed behind a rock, and the trapper, alone in the great forest, falls dead. The Indian takes his beaver traps, his clothing, and his gun, but above all, takes his scalp to wave at the end of a stick at the next scalp-dance. The trapper's body is left for the wolves. No one ever knows what has become of him.

Captain Wyeth led two hundred trappers into the mountains in 1832, but at the end of three years only forty were alive. Some had been killed by Indians, and their scalps decorated the tepees of Blackfeet and Crows. But even if a trapper escaped the Indians, who seemed to lurk behind every bush and tree, there were other great dangers. Thousands

*As-sin'-i-boin: the word means "stone-boilers." (See last chapter.)

of hungry wolves ranged through the forest. In the cold of Winter, when snow lay deep on the mountains, when the hunter set his traps and watched them, wild animals also watched his trail.

Trappers were in constant danger from freezing, from starvation, and from accidents of all sorts, such as falling trees, snow-slides and rock-slides, and from wild animals and Indians. In the Spring, as they paddled their canoes or bull-boats along the streams, they were in danger, also, from whirlpools and rapids.

Such was the constant life of trappers. No wonder that from their tattered buckskin clothing, long hair, and brown, weather-worn faces, even Indians could not at first glance tell that they were white men.

Just this sort of a man was John Colter. He crossed the Shining Mountains with Lewis and Clark, and then, after the expedition was over, he came back into the mountains to trap. His race for life from the Indians in 1808 is one of the most thrilling stories of Montana history.

Colter and a man named Potts were trapping on the lower Jefferson. Early one misty morning, as

Photo. by J. R. White. Copyrighted.

GLITTERING PEAKS

North of Lake McDonald

they paddled along in their dugout, they heard a noise like the tramping of buffaloes. They stopped rowing for a few minutes, but decided it was only a herd along the bank and paddled on, although they knew it was getting dangerously light. As they turned a bend in the river, the fog lifted. On the banks, silent as the rocks around them, stood hundreds of Blackfoot warriors in war-paint and feathers. An Indian scout had seen the trappers and notified the whole war-band.

The moment they knew the whites saw them, the Blackfeet gave their war-cry — the most terrible war-cry of any Indian tribe. There was no hope of escape for the stream was very narrow with Indians on both sides. The chief motioned the trappers to come ashore, and Colter steered the canoe in to the bank. Instantly an Indian seized Potts's gun. Colter jumped out of the canoe, snatched the gun from the Indian, and handed it back to Potts. It was a daring thing to do. Potts was not so brave. With a quick motion of the paddle, he tried to push the dugout into the stream. "Don't run, Potts," Colter yelled. But a

Blackfoot warrior was quicker and wounded Potts with an arrow. Frightened and angry, Potts seized his gun and shot the Blackfoot dead. In a second, dozens of arrows were fired at poor Potts who fell dead in the bottom of the little canoe.

The Blackfeet were certain that Colter could not escape. They admired him as a brave man because he had dared to seize that gun. They intended to kill him and take his scalp, for the Blackfeet were the most savage enemies of the whites; but they first wanted some fun. They took his gun away, stripped him of all his clothes, took him out a little way on the plain, and made him understand, by signs, that he would have to run for his life. He understood the signs clearly enough.

Colter was a very swift runner, and knowing that torture and death would be his fate if he did not escape, he bounded away like an antelope, the Indians after him. The plain was covered with prickly pear cactus, but with five or six hundred Indian warriors after him, with the terrible war-cry ringing in his ears, he gave little heed to the thorny ground. On and on he

fairly flew straight across the plain for six miles. The Indians, one by one, dropped behind.

Colter had almost reached the river for which he was headed when the terrible exertion broke a blood vessel and blood poured from his mouth and nose. Just then he heard a sound near him, and glancing over his shoulder he saw three warriors behind him. One was close to him, ready to throw a spear.

Colter turned suddenly and so awful was his appearance, all covered with blood, that the Indian was startled and stumbled, breaking his spear. Quick as a flash Colter seized the shaft of the spear, pinned him to the earth with it, and ran on. The other Blackfeet had almost caught up, but they stopped to help the fallen Indian. That saved Colter. He reached the river, jumped in, and swam to an island in the centre of it.

On this island the current had formed a raft of driftwood, and under this he dived, coming up in a spot where he could keep his head above water between two logs. There he stayed all day long, hearing the blood-curdling Blackfoot war-cry, as the Indians

searched the river banks and the raft for him. He could hear their voices and their footsteps, they were sometimes so near. But strange to say, they could not find him. He seemed to have vanished, and finally they gave up the search.

After dark, Colter swam down the stream for some distance, then across to the opposite side of the river.

He was still in very great danger. He was exhausted from his run. He had no clothes, no food, and no gun. The woods were full of wolves, grizzly bears, panthers, and other wild animals, but he could not kill any of them, either to protect himself or for food. He had no way to make a fire except the Indian way of rubbing two sticks together, but with Blackfeet near him, as well as other tribes, he did not dare to do even that, for fear the smoke would betray him. The nearest white men were at Lisa's Fort, far away over the mountains, and his feet were so torn by that terrible run over the prickly pears that he could hardly stand upon them. What was he to do?

Now Colter was an American trapper, and Amer-

ican trappers were the boldest, most daring men that ever lived. If Colter did not reach Lisa's Fort at the mouth of the Big Horn, he would either starve to death, be killed by the wild creatures of the forest, or be caught again by the Indians. So he started for the fort.

He crossed the Gallatin Valley, went up through the Bozeman Pass, and over the mountains to the Yellowstone River, following the river to the fort at the mouth of the Big Horn. Seven long days that journey took — seven days without clothes, or fire, or even food except berries and some roots which he dug up with his fingers or with a stick.

At the fort the traders gave him food, clothes, a gun, powder, and bullets, and he stayed there for a time. He showed his courage by trapping in the mountains for another year before he went back to "the States," as all the country east of the Mississippi River was called. There he married, and, so far as known, did not return to the Shining Mountains. After he went East, he told the story of his race with the Blackfoot Indians, but no one would believe him

It was only after the Blackfeet themselves had told the whites that his story was true, that Colter was believed.

Colter was the first white man to go into the Yellowstone Park country. No one yet knew anything about the geysers, the great mounds of brightly colored sands, the grand canyon, and all the strange wonders of the place. Indians were afraid of it because of the strange noises there. They called it the "place of evil spirits." Colter first told other traders and trappers about this wonderful country, with the queer, rumbling noises under ground; and for many years one section of it was called Colter's Hell.

Other trappers, perhaps, did not have such a race for life as Colter did, but they were always in danger. Yet some of them liked that wild, free life much better than living in towns or on farms.

Many of the trappers married Indian women, adopted Indian clothes and customs, even wearing blankets, and some became chiefs in their adopted tribes. One such trapper, named Meldrum, liked Indian life so much that he married a Crow woman,

JIM BRIDGER, THE TRAPPER

his tepee forming one of the circle in the Crow encampment. It is said that he glued long hair to his own scalp, because long hair to an Indian is a sign of freedom, and a short-haired man could not become a chief.

Two famous Rocky Mountain trappers were William Sublette and James Bridger. They went into the Shining Mountains about 1820. Bridger discovered Great Salt Lake, and he was so famous as a guide that the United States Government often employed him. Men said he could "smell his way when he could n't see it." With a buffalo skin and a piece of charcoal from the camp-fire, he could draw a map of any part of the mountains.

Bridger had been in Yellowstone Park, and he used to tell such strange stories about the geysers and other queer things in that region that people would not believe him. Afterwards they found that what he had said was true. He took his revenge, however, by answering every question asked him with a marvellous story. He told one talkative young man about a great mountain of glass, and he pointed out

the spot where it lay on the plains. The young man looked and looked, but could see nothing. Of course he could n't see it, Bridger told him contemptuously, because it was pure glass. The glass was so clear, he declared, that he could hardly see it even when he was climbing the mountain itself. He told a great many other tales that were equally wonderful and equally false.

But whether the trappers were famous ones like Colter, Bridger, Sublette, and a few others, or whether they were utterly unknown, they all ran the same risks. Every man who went into the Shining Mountains took his life in his hands. Their courage and their daring make it worth while to know about them.

Their work was important, too. When the United States Government wanted to explore the Rocky Mountains, it had no one except these brave trappers to guide their surveying parties, or the men sent out to make treaties with the Indians. Only the trappers knew the paths over the Shining Mountains and through the dense forests. Only they knew the

Indian signs — the meaning of a broken twig on the trail, a light column of smoke rising from a distant mountain, or a dead buffalo along their path. They knew how to avoid a war-party, or where to find friendly Indians when they were starving. They could even tell, from the faint trace of a moccasin in the dust, whether the last Indian who passed was a Blackfoot or a Crow.

So the trappers, both as hunters and as guides, played a very important part in the history of the Shining Mountains.

CHAPTER IV

FURS, FORTS, AND FIGHTS

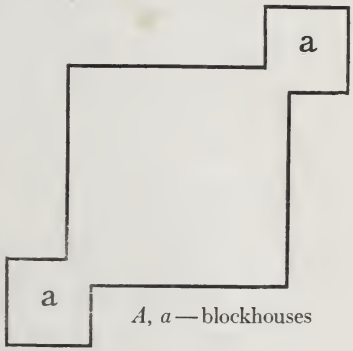
FURS brought white men into the Indian country: *forts* were needed to protect them while there; and sometimes, around the forts, occurred sharp *fights*.

These forts, which were really trading posts, had to have heavy outside walls over which Indians could not climb and to which they could not set fire. They had to contain enough buildings to shelter all the men — sometimes thirty or forty — employed there. Each fort had to have in it a storehouse for the beads, calicoes, blankets, and powder which they traded with the Indians. There had to be room to store the furs brought in, until they could be sent down the river in the Spring. So, in building these trading posts, the companies had to plan for two things: one was to keep the Indians outside; the other was to have room enough for themselves and their supplies.

The strong outside wall was called a stockade. It

was usually built of big tree-trunks, perhaps twenty feet long, set very closely together. Sometimes, just behind, there would be another row of tree-trunks to cover the cracks where the trees joined. Or sometimes the trees were hewn square, and only one row used. The upper ends of these great logs were always sharpened, to prevent Indians from climbing over.

Two of the corners of the outside wall were built out into little square blockhouses, sometimes incorrectly called bastions. These extended outside the stockade so that Indians could not come anywhere near it without being in the range of guns and cannon from the blockhouses. If you will look at the drawing you will see what is meant.



Fort Union, almost at the union of the Missouri and Yellowstone Rivers, was one of the most important of the early forts. It was finished in 1832, and was 240 x 320 feet. It was just outside of the present

boundary-line of Montana, yet its whole history is bound up with the Montana fur-trade.

Fort Benton was another well-known post. It was in the Blackfoot country, at the head of navigation on the Missouri River, and was rebuilt of adobe bricks.

Forts differed somewhat in plan, yet since they all had the same object — the safety of men and supplies — the general arrangement was much the same. Suppose you enter one of them.

In one side of the heavy stockade are big double gates. One of these gates has a very small door in it, through which, in case of danger, the trader could admit a single person or could talk to the Indians without admitting them. When you enter this big gate, you find yourself in an out-of-doors room, with no roof except the sky. Behind you are the strong outside gates through which you entered. On the other three sides of you are solid log walls which are the backs of the houses and the store. One has loopholes for guns, but one side wall has only a single opening, eighteen inches square. This is the "trad-

ing hole" and is the only entrance to the store from this "pen." This opening has a heavy shutter which can be fastened on the inside. You can see from this arrangement how afraid the traders were of the Indians.

When the Indians came to trade, the chief trader waited until a crowd had gathered in front of the double gates. When he opened it, he let in as many Indians as could crowd into this out-of-doors room, or "pen," shut the big gate and locked it. Then he climbed through the trading hole into the store and was ready for business.

The Indians were really prisoners. They had to leave their guns, or bows and arrows, and tomahawks outside, and if they showed signs of being treacherous, guns were pointed at them through the loopholes in the log walls.

One by one they brought their furs to the trading hole, and told the trader what they wanted. He looked over the furs, counted them, and handed out of the hole the calico, or blankets, or bullets, or whiskey, or whatever the Indians wanted in exchange. When

all those in the pen had traded, he climbed out through the trading hole as he came in, opened the gates, let out the first crowd and let in a second. A third and a fourth group would enter in the same way, until all the Indians had sold their furs.

After they had finished trading, the red men would hang around the fort a few days, drinking and sometimes becoming very noisy and dangerous, until the trader would have to order them off. When they went, however friendly, they nearly always tried to steal a few horses. These, with the mules, hogs, and chickens, were kept outside the fort during the day, guarded by herdsmen. They were usually brought inside the walls at night. War-parties would sometimes run off every horse belonging to the post. Then the hunters had to go on foot until they could trade with other Indians for new horses.

The forts were not very often attacked; but at one time Crow Indians besieged Fort Sarpy, on the Yellowstone, merely because they were tired of seeing whites in their country. They set up their tepees a quarter of a mile away and posted warriors around

the fort so that no one could leave it, but they did not fire a shot. Yet it was a serious matter for the fort.

Like every one else in the Indian country, these traders lived on fresh meat. When the hunters could not get out of the fort, they not only had no meat, but had no vegetables, since the few gardens were attached only to the older, better-established forts. Ordinarily they ate camas roots, wild onions, and wild berries as vegetables; but these, too, grew outside of the fort. In a day or two the fresh meat gave out; then the men ate the jerked meat and pemmican which had been stored away for an emergency. When nothing else was left, the dogs inside the walls were eaten, and the horses would have been, too, if the Crows had not already stolen them. The traders had dug a well in the centre of the fort, so they had fresh water, but that was all. Nothing was left but some pieces of buffalo hide. These the starving men boiled until they were soft like glue, but it was horrible food.

Still the Indians did not attack the fort — did not fire a shot. They were trying to starve out the

whites. The fort was supplied with guns and cannon, of course, but the Indians so outnumbered the whites the traders were afraid to begin a battle. To have these terrible Indians swarm down upon them, break down their walls, and either kill them outright or take them prisoners, scalp and torture them — that was even harder than starving to death. Finally, however, the chief trader learned that a few of the men had planned to steal a boat, slip out of the fort, and escape down the river by night. All could not get away, and he knew that if the Indians learned that some of the men had gone, they would attack the fort at once and scalp every one in it. What was he to do?

At last, although he was afraid of bringing on a fight, he warned the Crows that if they did not go by noon of the next day, he would shoot. The Indians laughed. Precisely at noon the next day the cannon was loaded and aimed at the centre of the camp. *Crash!* went the shot through the tepees, breaking a few all to pieces, scattering everything in them, and knocking the Crows down. Now a cannon was "big medicine" of which the Crows were thoroughly afraid.

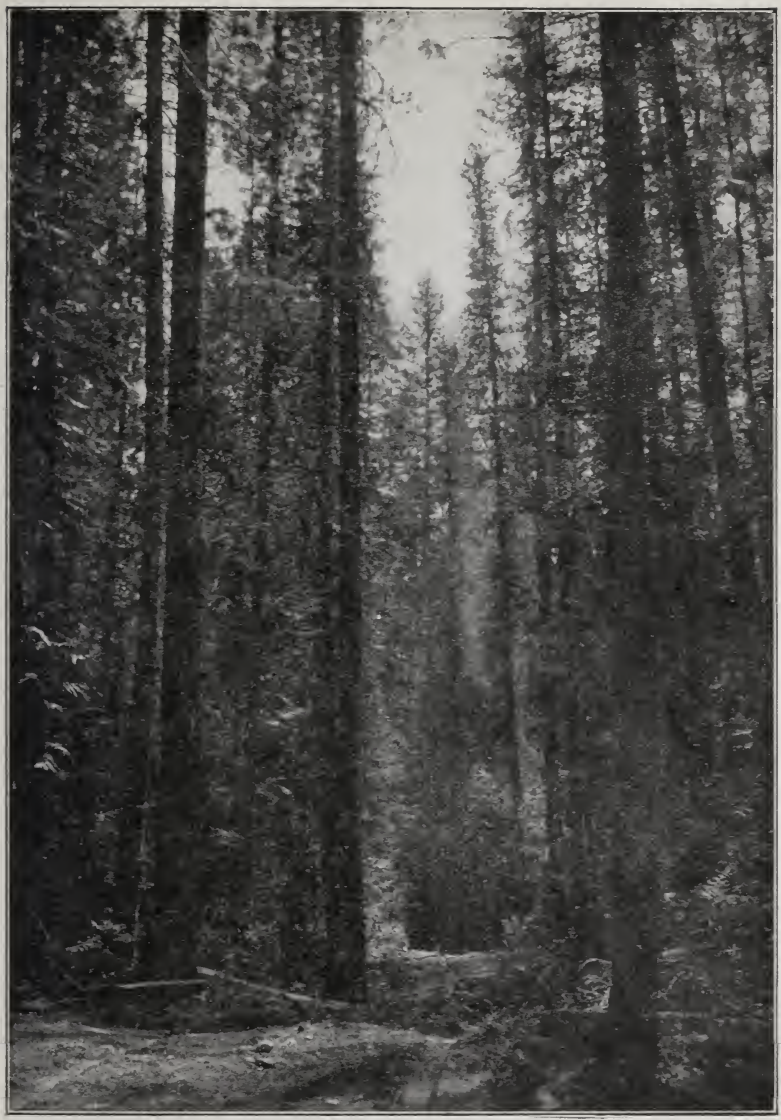


Photo. by K. B. J.

A ROAD THROUGH THE TAMARACKS

Near Lake McDonald

In a twinkling the squaws were busy pulling down the tepees, and away the Indians went. They felt so disgraced by this failure against the whites that they sent a big war-party against another Indian tribe to make up for it. But the traders were only too glad to see those Crows go scurrying across the country.

Occasionally two bands that were enemies met at the fort, and that meant a fight. In 1833 a band of Piegans were trading at Fort McKenzie, near the mouth of Maria's River. They had been at peace with the Assiniboins; but suddenly one morning, just at daybreak, the Assiniboins swooped down upon the sleeping Piegans. Tepees were cut to pieces and many braves killed before the Piegans were awake. These Indians were friendly with the fort and had just sold the trader thousands of buffalo robes, so the whites opened the big gates to let the frightened Piegans in. But the squaws were so anxious to save everything that they blocked the gates with saddles, blankets, and all their other property. They could not themselves get in, and eight or ten were killed in the door-

way. The Assiniboins were finally driven off, but only because the whites helped their Indian friends.

The chief traders in charge of these forts were sometimes very rough men. Two of the worst were named Chardon and Harvey, and they were really as bad as Indians.

One day a war-party of Blackfeet wanted to enter the fort where Harvey and Chardon were in charge. They were refused. As the angry Indians started off, they killed a pig belonging to the fort. At that, Harvey, Chardon, and eight men, including a negro, started off after them. The warriors saw them, but paid no attention to them, except that one brave turned and shot the negro.

As a result of this, these two "white Indians" planned to take revenge on the Blackfeet; so one day when a trading band of Blackfeet came to the fort, Chardon and Harvey had their plans well laid.

They loaded all the guns and aimed them from the loopholes, and loaded the cannon with one hundred and fifty bullets, aiming it at the big double gates where the Indians entered. Then the gates were

thrown open. As the Blackfeet crowded in the guns were fired, but the cannon was a little slow so the frightened Indians had a chance to escape before it went off. Three chiefs were killed and several Indians, but it was all so quickly done that most of them were too frightened even to fight. They succeeded in saving most of their horses and many of the furs, but they hurried away from the fort so rapidly that a great deal was left behind.

All that was bad enough, but the utterly horrible part of it was that Chardon and Harvey scalped the dead Blackfeet and had a regular Indian scalp-dance. And this trading party, which had been attacked in this brutal way, was not at all the war-party which had killed the pig and the negro.

The whole Blackfoot tribe "dug up the tomahawk." They wanted revenge. The fort was burned down, the fur-trade broken up, and for ten long years there was nothing but war against the whites in the Blackfoot country. The loss to the fur company through such brutality on the part of their agents was very heavy, but the loss of life among the whites was

much more serious. Revenge and scalps — scalps and revenge — for ten years that was the one desire of the entire Blackfoot tribe.

At Fort Union, where Kenneth McKenzie was in charge, things went much better. McKenzie was so well known for his ceremonial manner that the whites called him "King of the Missouri," and the red men, "Big Indian Me"; but he knew how to keep the friendship of the Indians. His rivals in the fur-trade could never get the better of him, either.

Fort Union was a very important post, and the Indians were accustomed to trading there; so another fur company built a fort near by and tried to steal their trade. One season both forts were anxiously awaiting the Blackfeet with their bundles of furs, when scouts reported them as near at hand. The new fort watched hopefully, when suddenly the gates of Fort Union opened and out sallied a band in full costume, with drum and trumpet and fife — something wonderful to the astonished Indians. Behind the band came another group of traders, all dressed in their best, with gaudy presents and whiskey. Fort

Union won the day, for the Indians would not trade with the new fort.

In some years Fort Union would pay several times as much for furs as other traders, just to secure the skins for that season. The next year their rivals would not appear, and they paid regular prices.

The fur-trade was for many years very, very important. Hundreds of thousands of buffalo robes, beaver skins, and furs of all kinds were sent down the Missouri River to St. Louis every season. Buffalo robes sold for two to four dollars each, but they would be worth from one hundred and fifty to two hundred and fifty dollars to-day. Beaver skins were really the money of the Indian country. Everything was priced as being worth a certain number of beaver skins instead of a certain number of dollars. The usual value of a beaver skin was two dollars.

Hunting was carried on so vigorously both by Indians and white men that it is estimated that they sometimes killed a million buffaloes in a single year. The herds began gradually to disappear, until to-day there are very few buffaloes in the whole United

States. Nearly all, even of these, are in Montana, or have been taken from Montana herds. The only place to-day where hunting could be carried on as it used to be among the buffaloes would be among the vast caribou herds of Alaska and the Yukon, but neither the Government nor the white settlers will permit the caribou to be killed off as the buffalo was. There were no game laws to protect the buffalo herds.

With the disappearance of the buffaloes came the end of the fur-trade and, of course, the end of the forts. Some were burned down by the Indians, others were pulled down, while still others, like Fort Benton, are falling to pieces through decay. Never again will there be furs or forts among the Shining Mountains.

CHAPTER V

INDIANS AROUND THE WOODPILES

IF you were a fur-trader of the early days and wanted to go to the Land of the Shining Mountains, would you travel up the Missouri River from St. Louis in a boat, or would you go across the plains? By either route you would have plenty of excitement.

Suppose you were going up the Missouri River in a boat. What kind of a boat would you take? If it was before the days of "fire-canoes," as the Indians called the steamboats, would you travel in a dugout or in a bull-boat? Or, perhaps, if you had many others travelling with you, you would use a keelboat, as did Lewis and Clark.

A *dugout* was a canoe *dug out* of the trunk of a tree after the top and bottom had been cut off and the bark peeled off. Four men working hard could make a dugout in four days. When finished, the wood was about two inches thick on the bottom and an inch thick on the upper edge. Such a boat was very light, yet would

hold three or four men, and traders and trappers often used them. Indians in Montana never used birch-bark canoes as did the Indians of the East.

A *bull-boat* was a skin boat. It was made of the big, thick hide of a buffalo bull, stretched while wet over a frame. When the skin dried, the shrinking made it fit the frame tightly. Indians and trappers who travelled in these boats had to camp every night. They had to pull the boat out of the water, empty it, and turn it upside down to dry. This was because the skin stretched when wet, and during the day nearly an inch of water would leak into the boat. Some of these bull-boats were as round as tubs, and would hold only one person. Others were shaped more like a canoe, and would hold three or four.

Mackinaw boats were fifty feet long, twelve feet wide, and four feet deep. They required a crew of twelve men upstream, and five men downstream. They were used chiefly for shipping furs.

Keelboats were larger than mackinaws. They were sometimes sixty or seventy feet long, with cabins and a sail, but with oars, too. The sail could not often be

used upstream on account of a breeze in the wrong direction. If the sail could not be used, the boat had to be poled, rowed, or cordelled.

A "cordelle" was a strong rope, a thousand feet long, fastened high up on the mast so it would not catch in the bushes. The crew, walking on shore, pulled the boat upstream by this rope. It was weary work and very, very slow. When the banks were steep, men at the cordelle had to walk in shallow water. Sometimes they had to splash through swamps; and once, as a crew was crossing a quicksand, a negro boatman was caught in it, and sank out of sight before he could be saved.

Where the river banks were too steep to give any footing at all, the boat had to be poled. Twelve or sixteen men put long poles, made especially for the purpose, down into the water, and then by pushing together with these poles braced against the bottom of the river, they pushed the boat upstream. This was hard work too, because they had the swift current of the river against them. It was so slow that after a long day's work, a crew might still be in sight of the

camping place of the night before. But the boatmen were very jolly, and at night when the boat was tied up at the bank or at an island in midstream, they built bonfires, cooked their suppers, smoked their pipes, and sang.

When the fire-canoes came, trappers and traders were pleased, because it was so much easier a way of travelling. The Indians at first thought they were marvellous, but afterwards they disliked them because the steamboats brought so many whites into their country.

Suppose we were to travel up the Missouri River in a fire-canoe, calling the year about 1860.

Every morning, before the boat starts, hunters are sent ashore to secure fresh meat for the passengers. They travel on foot along the bank, shooting deer, buffaloes, wild geese, or anything suitable for food, while the steamer puffs slowly upstream. The hunters hang their meat supplies on the branch of a tree where it can be seen from the river, and when our steamer comes along the captain sends ashore for it.

The steamboat goes, oh, so slowly! The channel

A SIOUX CHIEF

is narrow and often changes, and the pilot cannot even see it because of the muddy water. So the steamer has to poke her nose here and there to find the deepest water, frequently, especially in low water, getting stuck on a sandbar. Besides, the river is full of "snags," or "sawyers," as the boatmen call them. Snags are the big trees washed away by floods and carried downstream by the swift current. The roots are heavier and are under water, but you can see the jagged branches with their sharp tips always pointing downstream. They are sharp enough and heavy enough to break a hole in a boat. So between the channel, which is hard to find, the sandbars, and the snags, the steamer is obliged to go slowly against the rapid current.

When the passengers become weary of the monotony, the captain allows them to go ashore, on the lower Missouri, and walk across country, or follow the stream, just for exercise. The river winds and twists so that, according to LaBarge, a passenger can walk a mile and a half and cut across a little neck of land while the boat has to travel thirty miles to reach that same

point. This gives opportunity for visiting the camps of friendly Indians; but it is a little dangerous, because, if passengers lose their way at all and do not keep in sight of the river, they cannot tell whether or not the boat had passed them.

Buffaloes become more plentiful farther up the river, the plains on either side are brown with them, and one day we have to tie up for several hours to wait for a large herd to swim across. The river is so full of the big animals that it looks as if you could cross it just by jumping from one brown hump to another. One clumsy buffalo swims so close to the steamer that he gets tangled up with the wheel and kicks out several of the buckets. The ship's carpenter has to replace them before we can go on.

The passengers tell a funny story about the captain of another steamer and his buffalo hunt. This other captain had a friend on board who was very anxious to shoot a buffalo; so one day when several brown humps were seen crossing the river just ahead of their steamer, the captain and his friend jumped into a small boat and rowed toward their game. The captain shot

one, wounding it, but the current carried it downstream so rapidly he was afraid he would lose it. "Lasso it," he called to his friend. But the friend was excited. He lassoed the nearest buffalo, which was a young, strong animal, not wounded at all. Then away went that scared buffalo across the river, dragging the little boat behind him! The boat zigzagged so as it rushed through the water that the captain did not dare to shoot again for fear of shooting his friend. When the buffalo reached the shore, away he started up the bank, and on a wild run across the prairies with the boat still at the end of the rope. But the front end broke and that ended the hunters' ride. The lassoed buffalo still raced across the prairie dragging the front end of the boat after him, while the hunters, feeling very foolish, waited for the steamer to send out another small boat to them.

As our fire-canoe reaches the upper river where the Indians are hostile, no more shore leaves are granted. There is too much real danger along this part of the river. Our steamboat looks strangely out of place in this country. There are no houses, no cities, no white

men — just the steamboat puffing up the broad, muddy river. The banks are lined with trees, but beyond that green fringe is a strange wild country, full of Indians and buffaloes. On either side are the plains.

Now our steamer, like all others, burns wood. Wood as fuel is not satisfactory because it takes up so much space and burns so quickly. At first, steamers stopped anywhere to cut wood, but later there were regular stopping places where there were woodpiles. Men who trapped wild animals in Winter chopped wood in Summer; and their work was dangerous enough when Indians began to haunt the banks of the river in their efforts to turn back the steamers.

One day when our boat stops at a woodpile, something happens. As the boat swings in quietly to shore and touches, the captain calls "Woodpile!" That is the regular signal for the crew to jump ashore and load wood. They move with quick jumps for they know the danger. There may be an Indian behind every tree and every bush. This day, just as the crew are well started with the loading, Indians rise for a moment out of the wood, and bullets whistle about the crew's

heads and go spattering into the water. Part of the men on the steamer answer that salute with their guns, and the captain starts toward the small cannon, similar to those which all steamers carried. But of course not an Indian is to be seen.

Again and again there is a whistle of bullets from the bushes and an answering whistle of other bullets into the bushes. But so far as can be seen, no one is hurt yet. But just as the men are carrying on the last few sticks, a bullet strikes one of them. The Indians cannot get the scalp, but neither can the boatmen get at them in their hiding places. Loading firewood is exciting and dangerous work.

Two or three years later, when all the Indians along the Missouri were on the warpath (this was after gold was discovered, and too many whites were coming into the Shining Mountains), the miners had to organize a troop and patrol the river for miles so that the boats could come up. Indians shot the wood-choppers, threw the wood into the river, and then when the boats were helpless without steam, they would attack them.

In spite of the cannon and well-armed crews

Indians continued to attack the big steamers. They fired at a smokestack until they shot it down, and then, of course, it was impossible to get up steam. They shot at every living thing they could see on deck. One steamer was so badly damaged by Indians that although she managed to get away and float downstream, she had to transfer her passengers, some of them wounded, to another boat. Her smokestack was entirely shot away and her decks riddled with bullets.

The Indians also tried treachery. They pulled out in canoes toward a steamer, surrounded her, pretending to be very friendly, but the moment any of them got on board they flooded the fires and made the whites prisoners. One steamer was crowded with these treacherous redskins, who put out the fires and started to make prisoners of the passengers. Quick as a flash the captain, who was standing near the cannon, started toward it with his lighted cigar. That was "bad medicine." The redskins jumped into their canoes and paddled away.

The double danger of a shallow river with snags and sandbars, and Indians besides, would tax the courage of

any captain. One such captain was trying to find the channel at a point in the river where it made a sharp bend and was full of sandbars. He got into the wrong channel and turning this bend found himself suddenly stuck on a bar almost within jumping distance of six hundred Indians, naked, painted for war, with bows and arrows and guns, on the bank.

The captain was horrorstruck, but he made friendly motions, and to his surprise the Indians did not attack him. He learned afterwards, though, that the Indians had planned to attack his fire-canoe and take the scalps of the whites, when a more friendly band joining them had persuaded them not to do so.

Indians attacked the steamers even when going downstream, but of course the swiftness of the current helped them to run away more rapidly. Yet the very rapidity of the current was sometimes an enemy, driving them on the sandbars with so much force it was hard to get off again.

One returning steamer carried to St. Louis a regular menagerie of wild animals — buffaloes, beavers, elk, deer, and bears. The buffaloes lost their tem-

pers now and then, and the passengers on that steamer are said to have had plenty of excitement, even without the Indians.

The Missouri River was for fifty years the great highway to the West. It was the easiest, quickest, and safest road to the Land of the Shining Mountains. All the forts of the fur companies were either on the Missouri or some of its branches, such as the Yellowstone, because all furs went to St. Louis by way of the river.

The first steamer on the Missouri was called the *Yellowstone*, and her first trip was considered remarkable, although she went only to where Pierre, South Dakota, now stands. This was in 1831. The next year the *Yellowstone* went to Fort Union, at the mouth of the Yellowstone River. It was not until 1858 that steamers went as far up the river as Fort Benton, which was the head of navigation.

After the fire-canoes went up and down the river regularly, the whites used dugouts, bull-boats, and other small boats only for the smaller streams and for emergencies. By 1866 forty steamers in one Summer unloaded at Fort Benton. This was due to the dis-

covery of gold, of course, because for the fur-trade only one boat a year had made the trip.

Now, if you think that travelling by land to the Shining Mountains was any easier than coming up the river, read the next chapter.

CHAPTER VI

INDIANS ON HORSEBACK

THE early settlers of New England had to fight with Indians who went on foot. Western Indians, both on the plains and in the mountains, rode horseback, and this made them more dangerous.

Are you going to travel to the Land of the Shining Mountains on horseback with a pack-train, or are you going in a big prairie schooner with a wagon train?

At first, when it was thought that wagons could not be taken into the mountains, all traders and trappers went on horseback, carrying their baggage on pack-horses or mules. These men had to do all their own cooking, of course, and depended largely on hunting for their food. They could carry only a certain amount of flour, salt, coffee, and a few other light food supplies with them. Beyond the Missouri River there was no way of renewing their supplies, so if a frisky mule kicked off his pack and lost the bread-pan or the coffee-pot, it was a serious matter.

At sunrise every morning, the leader of the pack-train aroused the men, who ate their breakfast, fed and watered the horses, and fastened the loads on the pack-animals. Sometimes the howling of wolves during the night so frightened the horses that even though hobbled by having the front feet tied together, they would break loose and run away. Perhaps the train would lose a whole day trying to find these strayed horses, and often they could find only a few of them.

Out on the plains, Indians could see travellers from a great distance. Even though not hostile, they always tried to steal horses. Whooping and yelling, a long line of Indians on flying ponies would sweep down upon the pack-train. The war-whoop always frightened horses, and thus the Indians could easily stampede and drive them off.

Hostile Indians were far more terrible. Racing ponies, sweeping down like the wind, painted savages whooping and yelling, horses stampeding, bullets and arrows pouring like rain among the trappers — that was the Indian way of fighting. Around and around the

whites the Indians circled on their ponies, lying almost flat and shooting from underneath the ponies' necks, moving so rapidly it was hard to hit even the pony and still harder to shoot the Indian, who seemed to be only a little part of his horse.

If there were more Indians than whites, the whole party might be taken prisoners. The dead and wounded would be scalped, while the others would be tied on ponies and taken to the Indian village. After a few days they would be tortured to death, while the howling savages held a scalp-dance around a bonfire, dangling at the end of their coup-sticks the scalps of the white men they had killed.

Even if the pack-train was strong enough to drive off the Indians, they always lost many of their horses and supplies. If the Indians were defeated, away they would race on their fleet ponies. The whites would stop for a few hours to bury the dead, although they knew that in a few days the wolves would dig up the bodies, or the Indians would come back and dig them up to get the scalps.

After the trappers reached the Shining Mountains,

Photo. by M. J. Elrod.

TEPEES IN THE VALLEY

This is the beginning of a great circle of one hundred and twenty-five tepees on the Flathead reservation

there was just as much danger, and perhaps more. In the fresh mountain air and clear sunlight, Indians could watch travellers from the hilltops or from behind a convenient tree or stump. The trappers could not cover up their trail as the Indians did.

A good guide had to know all the Indian signs. If the body of a buffalo was found near the trail, or the print of a moccasin in the dust, the trapper knew that Indians had passed that way, and often what tribe. As he passed the ashes of a camp-fire, he could tell how many days before the Indians had left it. If he saw a chief's coat of scarlet cloth (bought from a trader) hanging on the branch of a tree, he knew there was danger. That meant the Indians were on the warpath, and that this coat was the chief's bribe to the sun or moon that he might steal many horses and take many scalps. Even a little broken twig on a tree along the trail was a sign the trapper could read, and a light column of smoke on a hilltop, answered by other columns of smoke from other hilltops, was an Indian signal. A black cloud of smoke hanging like an open umbrella meant that the Indians had set fire

to a "punk tree" as a signal to their friends. It meant, too, that they were on the warpath.

No matter how careful the guides or trappers were, however, they sometimes thought the Indians were far away when they were close at hand, stealing silently along the trail of the white man. Trappers paid with their lives for such mistakes.

But only men and boys could go to the Shining Mountains in a pack-train. No women or girls undertook that journey until it was found that wagons could be used, and then they followed the Oregon Trail as far as the Wind River Mountains of Wyoming. The only exception to this was the trip made by the young wives of H. H. Spalding and Marcus Whitman, in 1836, when they crossed the Oregon Trail into eastern Washington.

After Oregon was discovered to be a beautiful, fertile country, many people went there by boat by way of Cape Horn, and others went directly across the plains and mountains, following the Platte River, then over the Rocky Mountains to the coast. Gradually these emigrants made a trail across the country,

which was called the Oregon Trail, but the Indians called it the "Great Medicine Road of the Whites." The first party that contained any women crossed in 1838, but in 1843 a large party of a thousand persons, with a great many women and children, followed the trail to Oregon. They had one hundred and twenty wagons, and five thousand animals of all kinds, including horses, mules, and cows. After gold was found in California, in 1849, thousands of miners crossed the trail, which followed the Platte River but did not enter Montana.

Suppose you are travelling in one of the big white-covered prairie schooners, drawn by slow-moving oxen. The wagons are heavily packed with bedding, furniture, clothing, guns, dishes, food, and perhaps a stove. Everything you will need in this long journey must be remembered. You cannot buy anything after you are once started.

Creak, creak, creak! The slow-moving oxen pull the big, heavy, squeaking wagons across the sunny prairies. Men with big black whips walk beside the oxen. Women in the loaded wagons take care of the

little children, while the larger ones jump in and out of the white-topped schooners, pick the beautiful wild flowers, play with the dogs, and run races with each other.

Once the trail was well established, there was no danger of losing the road. It was white because the grass was worn off, and sometimes it was more than a hundred feet wide. Indians had never seen any roads except their own narrow trails, wide enough only for them to walk "Indian file," and they thought it a wonderful trail. They thought, too, that the land toward the rising sun must be almost empty of white people, because so many had gone over the "Great Medicine Road" toward the setting sun.

Every mile of that long road has seen Indian fighting, and you could follow it just by the line of bones beside it — bones of animals which had died of thirst or starvation or cold or disease, or had been killed by the Indians. There are graves all along the trails, too, of people who died or were killed by Indians.

At noon the wagons stop, draw up in four columns, and the oxen are unloosed but not unyoked. There

are five or six of these great clumsy beasts to every wagon. Mothers cook the dinner at little camp-fires built along the ground, and nearly always there is fresh buffalo meat or deer meat which the hunters killed in the morning. Soon the meal is over, the oxen are pulling the wagons again, and you can hear the slow *creak* as the wagon train moves on.

Emigrants forgot many little things and left them at their camp-fires, especially as the mountains were reached and they were anxious to hurry forward. Indians often brought to Father De Smet, one of the early missionaries in Montana, forks, spoons, coffee-pots, hammers, axes, and dishes which they had found at forsaken camp-fires. They wanted to know for what these things were used. One Indian filed a hole through a broken teacup and put it on a necklace. Anything which the whites used was "big medicine" to an Indian.

At night the wagon train is arranged to form a kind of fort. Each wagon is so close to the one before it, as they stand in a great circle, that the tongue of the second wagon touches the back of the first one.

Strong chains are used to fasten the tongues to the wagons in front. All the horses and cattle and mules are safe inside the circle. Little fires are lighted, supper is cooked, and then every one goes to sleep very quickly because all must be up at four o'clock next morning.

At night, if you are awake, you can hear the howling of wolves on the prairies and look out of the end of the wagon over the great silent stretch of country, with the silent stars above. You know that guards are watching all around the camp to protect it from Indians. Then you go to sleep, and the next thing you hear is the firing of guns by the sentinels. That is the rising bell.

One morning you are awakened in this way, and when you get out of your wagon for breakfast, others are speaking of the beautiful sunrise. The sky is glorious, but so very red that weather prophets are predicting rain. You wish it would rain. The grass is dry, and sometimes there is very little water to drink. The sun rises slowly, like a great ball of fire, right out of the grass. Still the red sunrise does not

seem to disappear, and a few wonder why. Then suddenly in one dreadful moment every one understands. The prairies are on fire! And the fire is sweeping directly toward your wagon train.

The nearest water is the tiny little creek you crossed yesterday, and that was almost dry. There is nowhere to go. The prairies, covered with dry grass, are all around you. But something must be done. The men start a back-fire — that is, a fire which will burn from your wagon train back toward the big fire in the east. This is done very carefully. They set the grass afire and with blankets they fan the flames so that they burn away from the camp. If a breeze blows the flames toward the wagon train, the men quickly stamp it out. So the back-fire burns gradually until it leaves a broad black strip between you and the oncoming flames. The ground is hot and smoking, but the men drive the teams onto this blackened stretch where the flames cannot reach you.

Now you can easily see it is a prairie fire and not a sunrise, for the flames have swept across the country so rapidly they have almost reached you. Animals

of all sorts — deer, coyotes, wolves, buffaloes — all are running past you and running for their lives, trying to escape from that solid wall of flame which is roaring, roaring behind them. At last that wall of fire sweeps up to the edge of the burned stretch on which you stand. The fire in front dies out for lack of fuel, but on each side the flames sweep by with that terrible roar. All around you now is the black, burned prairie, still smoking. This morning it was a broad sweep of high, waving grass. The lack of grass may starve the cattle before you get beyond the range of the fire, and the lack of game may be very serious for you; but there are other dangers, too.

Emigrants would always have been safer if they had kept together, but when for several days no Indians had been seen, drivers became careless. Perhaps the tongue of the wagon would break, or the axle, or perhaps a wheel would come off, and one wagon would get far behind the others. Then, quick as a flash, almost as if they rose by magic out of the prairies, would come that long line of flying, yelling, painted savages on their swift little ponies, attack the crippled

wagon, kill and scalp the driver and any others in the wagon, run off the horses, steal everything they could, and go racing away across the prairies before the train ahead realized what was the trouble.

After a train reached the mountains, it was even harder to travel than on the tiresome level of the plains. A steep hill would make it necessary to use twenty oxen to pull a single wagon to the top. Imagine how long it would take to pull up twenty or thirty, and then get them down on the other side. Brakes could not hold on such hills, so a rope had to be fastened to the hind wheel and twisted around a tree, to prevent the wagons from crashing down hill. The pulling on the rope, as it was gradually paid out, caused a friction which would cut screw-like curves into the trees. Such trees are still standing in Montana, and the groove cut in is sometimes an inch or more deep.

Sometimes, in crossing a river, a wagon would become stuck when only half the train was across. Then if attacked by Indians, it was hard to defend the train. When the rivers were high and a ford could not be

found, emigrants had to unload every one of these big, clumsy wagons, swim them over behind the horses, and carry the goods over on rafts. If the raft sank, everything was lost. It often took an entire day to cross a swift stream, even if it was narrow, and if a wagon was overturned in the stream, of course everything was soaked.

Bump! bump! bump! up the mountains and down them, over the bridgeless streams! The wagons jolted so over the rocky roads that little children fell out and sometimes sprained an ankle or broke an arm. They could no longer play outside, for there was too much danger of Indians.

As they climbed higher in the mountains, the nights were cold, and even in August there was snow on the higher foothills. And the nights were so full of strange noises! If you were too chilly to sleep, you could hear the howling of the wolves, and you expected at any minute to hear an Indian war-whoop. Every man in the train was required to keep his revolver with him all the time, and at night to keep his gun where he could reach it in an instant. And

no man knew, as he sat in the light of the camp-fire while his wife cooked supper, but that an Indian arrow or an Indian bullet might the next second kill both of them. Indians could glide softly through the mountains, over the trails, and hide behind any tree or stump, while the noisy wagon bumped, and creaked, and crashed over the rocky road in such fashion that the Indians near-by could not help hearing it.

Just look at the map and follow the long road from St. Louis or from Westport, Missouri (now Kansas City), along the Platte River, into what is now Wyoming, and then beyond. Pioneers who came to the Shining Mountains turned off the trail in Wyoming and came into the gold fields through the Bozeman Pass.

The long road was marked, not only to Montana, but away on to the Pacific coast by the graves of men, women, and little children who died of the hardships of the way. Perhaps the father's grave was out on the plains, while the mother and little children travelled on, so far from the home they had left and so far from the home they were trying to reach.

This was the overland trail to the Land of the Shining Mountains. Now do you think, if you were making the journey, that you would come by fire-canoe up the Missouri River to Fort Benton, and then go by land to Alder Gulch or Last Chance, or do you think you would come across the plains by wagon train? Soldiers often accompanied the wagon trains, but Indians attacked them just the same.

Do you think you would rather stand the attacks of Indians around the woodpiles and along the river banks, or the mounted Indians on the plains? Which was the safer way?

There was another class of travellers — a very special class — that had to face the danger of Indians on the plains and in the mountains. This consisted of eighty daring men, some of whom were always riding across the plains or the mountains at top speed, but no two of them ever rode together. Each man rode entirely alone, armed only with a knife and a revolver. He never stopped to hunt or shoot. He had a certain distance to ride each day: some had

forty-five, and some seventy-five miles; and each man rode his swift little pony just as rapidly as he could go. The men were picked men who feared nothing. Buffalo Bill was one of them. And the ponies were picked — the swiftest, strongest, sturdiest ponies which could be found. Now see if you can guess who these men were.

Each day one man would leave Sacramento, California, at a certain hour, and at the same hour another man would leave St. Joseph, Missouri. They rode toward each other, and each man had fastened on his saddle a very valuable package. It was to deliver that package that these men rode so furiously and so daringly that even the Indians looked at them in amazement, thought them "big medicine," and for a long time made no effort to attack them. Later when the Indians were hostile, not one of these men stopped to fight. They only rode the faster.

Every fifteen or twenty-five miles in this long stretch of two thousand miles between St. Joseph and Sacramento was a log cabin station, where lived herders who had fresh ponies for these riders. As a

horseman came dashing in, he found a pony all saddled and bridled, waiting for him. He was allowed two minutes' time to change horses, but he took hardly more than two seconds. He jumped off the tired horse, lifted this precious package from one saddle-horn to the other, jumped on the fresh pony, and dashed away again. If it was on level ground he rode almost half a mile a minute. On one occasion the distance between these two cities was made in seven days and seventeen hours, which was really wonderful.

At the end of his route, the rider turned over his package to another horseman who was waiting for him with another fresh pony, rested that night, and next morning started back over his trail of the day before, riding just as rapidly as ever. Meantime, the new man had started forward on his route, changing horses every fifteen or twenty miles, until he reached the end of his run and found a third man ready to take the package and race on still farther with it.

Sometimes when a rider came to a station where he should have had a fresh pony, he found only a

burned log cabin and the dead and scalped bodies of the whites. The station had been attacked by Indians, and he knew that they might even then be waiting for him a few miles farther down the trail. Without food or water, and in great danger, on he started again on his weary pony.

Only once, it is said, was that package lost. The Indians had captured the rider. Another time it was almost lost, for the Indians killed the horseman, but the brave little pony, though severely wounded, broke away from the Indians and leaving his master dead on the plains, came clattering into the next station with the package safe. It was taken off, given to a horseman waiting with a fresh pony, and out over the plains sped man and horse again.

One man's route might lie across the plains, where there was no shelter from the Indians, who could see him at a great distance. Another's might lie through the mountains, in the dark forests, along the edge of a precipice, or through steep canyons, with Indians anywhere and everywhere. Any rock or tree might shelter one. At any moment the rider might run

into an ambush and be captured and tortured to death. But these men feared nothing. They spent years racing back and forth across the plains, with those packages strapped to their ponies.

Do you know who these men were? They were called the "Pony Express." Do you know what the package was? It was the United States mail.

From 1861 to 1864, the United States Government had to send the California mail either by a long sea voyage or by this pony express; and so for nearly three years those brave little ponies and those daring men raced back and forth across the plains and the mountains, in danger of Indians and accidents and death, just to carry the United States mail.

CHAPTER VII

GOLD!

A BAND of thieving Indians, six ragged, tired miners lost in the mountains, one of them trying to cook dinner over a camp-fire while another staked out the wretched ponies — that is how the wonderful gold discovery was made at Alder Gulch.

There were so few white people in the Shining Mountains —just a few traders, trappers, and priests,— that only one or two knew of it when, in 1852, a half-breed Indian found a little gold at Hell Gate. Then, in 1857, a trapper appeared at Fort Benton and offered gold dust for supplies. He said he had mined it in the mountains. The fort trader refused to accept it for a while because no gold had been found in these mountains, and he did not believe the dust was genuine. At last he accepted it, and the trapper, with his newly bought powder, bullets, and tobacco, vanished again into the mountains. The gold dust was genuine and the news spread among other traders

visiting the post, but did not create any special interest.

The next year, James and Granville Stuart, two brothers famous in Montana history, found a little gold. They became sure there must be a good deal of gold in the mountains, although they did not know where it was. But they wrote to friends in Colorado and in what is now Idaho, entrusting their letters to any traveller going in the right direction; so when a rich "strike" was made on Grasshopper Creek in 1862, it did not take long for the news to spread. Miners rushed to the creek, built tents, shacks, and log cabins of every description. They called this new little mining town Bannack. It was the first town in the Shining Mountains; and two years later, when Montana got a name, Bannack was the first capital of the Territory.

Soon Grasshopper Creek had more miners than paying claims, so prospectors scattered through the mountains looking for gold.

Now just at this time, during the Civil War, the Indians had become angry because so many whites were coming into their country. Thousands and thou-

BANNACK IN THE SIXTIES

sands of pale-faces had gone to Oregon, some over the famous trail and some by the Missouri River, through Fort Benton. Others were digging for gold, and the redskins knew that if gold were found, thousands more of the whites would come into the mountains. The plains Indians along the river were on the war-path, and the mountain Indians determined to drive the whites out of their country.

Because prospecting was dangerous, one party of seven men, led by Henry Edgar and Bill Fairweather, who wanted to visit the Yellowstone River for gold, planned to join another party led by James Stuart. But Edgar's party misunderstood the meeting-place, and after waiting for a while at the wrong creek, they decided to go on alone.

Crow Indians were soon on their trail. While camping one night, the miners heard a slight sound, then — *bang! bang!* The Crows quickly captured the horses, and the white men found themselves prisoners. The Indians took their blankets, their provisions, even their clothes, — took everything except their guns. One man who could talk the sign language told the

Crows that the miners would never give up their guns while they were alive.

But after having captured the white men, the Crows did not know what to do with them. They wanted to kill them, but they did not want a big war. They wanted to scare the miners out of the country.

After two or three days, they set up a big council tent and held a pow-wow. After talking a while, and smoking a while, they sent for the miners. When the whites came in, they found a circle of head chiefs sitting around the sloping walls of the tepee, with the medicine man opposite the opening, and the medicine bush in the centre. The prisoners, led by an old brave, were paraded around and around the medicine bush and then out into the open air again. The miners were rather puzzled by this, but they joked over their "cake walk" as they called it, and Fairweather said if they had to parade again, he would pull up that medicine bush "and whack the medicine man with it." Soon the Crows sent for the prisoners again and there was another "cake walk." The miners paraded around and around and around that medicine bush until

Fairweather did pull it up and hit the medicine man over the head with it. Then out they ran, with the Indians after them.

The white men formed a hollow square so that they could defend themselves if attacked. All around stood the angry Indians with tomahawks and guns, more than ready to fight. But two chiefs, Red Bear and Little Crow, drove the crowd of Indians back with whips, and then Red Bear jumped upon his horse and started to talk. It was the longest talk the miners ever heard. He started to talk at noon and he was still talking at midnight. They could not understand what he said, but he was evidently trying to save their lives. The next day, after another long council in the medicine tepee, the Crows let the miners go. One miner, however, preferred to stay with the Crows. The Indians gave them miserable, sore-backed ponies instead of their own good horses; gave them buffalo robes instead of their own clothes and blankets, and just enough food to keep them from starving for a few days.

But the Crows told the whites that if they went on

looking for gold they would be killed. They ordered them out of the Crow country. The six miners could not help themselves, so they started back toward Bannack. When they came to a river near-by they had almost decided to risk going where they pleased, and trust to luck to escape the Indians. But an old squaw digging roots told them that young braves had gone into the woods to waylay them, and they would surely be killed if they did not go straight back to Bannack. She told them to hurry, too.

Evidently several of the younger braves were sorry they had lost those six scalps, for they followed the miners until the whites caught sight of them. Then the Crows pretended to be friendly and tried to get near the brush where the miners had taken refuge. But when their friendship was distrusted, they showed their true colors. *Bang!* went one Crow gun. *Bang!* went another. Then the miners used their guns until the Indians disappeared.

One day at noon, as they hurried on, they camped on a little creek which was fringed with alder bushes. They were still nearly eighty miles from Bannack,

though they were so lost that they were not very certain where the little town was. They were tired and discouraged. The ground was rough, the horses were lame, and they had nothing to eat except the game they might kill. Four of the men wandered off to look for gold. Henry Edgar was cooking over the camp-fire, and Bill Fairweather went across the creek to tether the miserable Indian ponies.

Suddenly, as he fastened the horses, a piece of rock caught his attention. He picked it up and called to Henry Edgar. It was a piece of "rim rock." That meant it was a good place to prospect. The two men got a pick and a pan, dug in the grass near where they had found the rim rock, and washed the panful of dirt. There was two dollars and forty cents worth of gold-dust in that one pan. By evening they had panned out twelve dollars and thirty cents worth.

The next day, all six men working together panned out one hundred and fifty dollars. But they had become so excited that they had forgotten to eat, and were almost starved. By good luck, they killed a deer, had a big venison dinner over the camp-fire, and

went to sleep out in the brush, still in danger of Indians but very happy.

They started again for Bannack, but this time for food, clothes, and tools so they could work their claim. Before they started they agreed to say nothing of their discovery. They looked so happy, however, that other miners quickly guessed the truth, and when they returned to Alder Gulch, as they had named the place, they found themselves followed by two or three hundred whites. The lucky miners tried to get away from the others, but they were guarded at night and followed during the day as though they were prisoners, so they finally gave it up, and told the others where the creek was. Witnin a few hours after they reached the creek, hundreds of men were busy digging gold.

Alder Gulch was famously rich in gold; and in two years there were thousands of miners there from all parts of the United States. The little town, built of log cabins and shacks, was called Virginia City. Inside of two years, it had a population of 10,000 people.

Gold was discovered in Alder Gulch in May, 1863.

VIRGINIA CITY IN EARLY MINING DAYS

Late that same year, just before snow fell, gold was discovered in another creek which was called Last Chance, because it was about the last chance of finding gold before winter set in. Helena was the city which grew up on that creek, at first just a mining town like the others, but now a beautiful city and the capital of the State.

Confederate Gulch was next, and that was wonderfully rich too. Other mines were found rapidly after that, until, in 1876 there were said to be five hundred gold-bearing gulches in Montana.

The finding of gold was the beginning of Montana's population. Fifty years ago, in what is now a State, there were only a few traders, trappers, missionaries, and the Indians. Montana had no boundary lines. It had not even a name. It was simply the Land of the Shining Mountains. When gold was found, everything changed. The Indians were right. They knew that if the whites found gold, they would come by thousands into the mountains, the game would be driven out, and the beautiful hunting-grounds lost to the natives. The Indians fought one famous battle

in a last, hard effort to drive the whites out of the Shining Mountains. But you will learn about that in another chapter.

Gold was found first, then silver and copper, and both added to the population and wealth of the Territory; for just a year after Alder Gulch was discovered, Montana was made a Territory and given a name. As we said before, it was called Montana because of its mountains — the beautiful Shining Mountains.

CHAPTER VIII

VIGILANTE DAYS

WITH the discovery of gold at Alder Gulch, Last Chance Gulch, and at other places, thousands and thousands of whites came into the Shining Mountains. Some of these were honest miners, but others were deserters from the army, and law-breakers who had run away from the States to escape prison or hanging.

A new country is always a rough place and this is especially true of a new mining country. In the Shining Mountains part of the men were there to dig for gold. The others, as one of them expressed it, "found it easier to kill a man for his gold than to dig for it."

Montana was so rough in those early days that no man's life, if he had gold, was safe. There were no police, no prisons, no lawyers, no judges, and really not even a law. The Land of Shining Mountains west of the range was a part of the Territory of Idaho

and the nearest court was at Lewiston; all east of the main range was part of Dakota, and the nearest law-court was at Yankton, nearly two thousand miles away by the safest route — the river. That really meant that there were no law-courts.

When a miner who had made his "pile" decided to go home, there were three routes by which he could travel. He could go on horseback or in wagon from Helena to Fort Benton, one hundred and forty miles away, and take a steamer down the Missouri, though he might have to wait several months for it, or go down in a mackinaw. Or, he might follow the trail to Salt Lake City on horseback. The third way was to take the stage from Bannack to Salt Lake City. This was a private express, which had succeeded the pony express rider, bringing mail from Salt Lake City at first at a cost of two dollars and fifty cents for each letter. Afterwards, small wagons were run as stages, until the Government established a regular line after Montana became a separate Territory. All three routes were dangerous on account of Indians and road-agents.

Those thieves, who found it easier to kill a man for his gold than to dig for it, soon organized themselves into a band for robbery. They had the password "Innocent," wore moustaches and beards, and fastened their neckties with a sailor knot. But even without the password and the other signs, they knew each other and knew their power. The cracks of their guns and pistols were heard at all hours of the day and night in the saloons and restaurants. The streets were dangerous because of stray bullets, and men were murdered in cold blood in broad daylight.

Besides all this, one stage after another which was known to contain gold-dust was held up, and the passengers robbed. Miners who had started for home on horseback, whether alone or in groups, were found dead along the trail, or their bodies hidden among the bushes. At first, it was thought that hostile Indians were to blame, but miners soon learned the truth.

The honest miners were terrorized. No man knew whom he could trust; so they remained unorganized, while the thieves, under the leadership of a clever

captain, had everything their own way. Murderers came and went in the streets, with no one to arrest them and few who dared even to criticise them. To do so was certain death. There were days and weeks of terror, when lawless men held control of the country. Many a miner would have returned to his home had he dared to travel.

Travelling became more and more dangerous. Every stage that was known to have money in it was held up. The road-agents seldom made a mistake, because each robber was watchful when there was a chance of plunder, and sent word to the band.

The distance between Bannack and Virginia City was seventy miles, through a country with several ravines and with dense patches of brushwood. Usually the trip could be made between sunrise and sunset, but where robbery was intended the stage was frequently delayed by seeming accidents. Many of the stage-drivers and some of the guards belonged to the band. The relay stations at ranches where the horses were changed were frequently in charge of road-agents. So it was an easy matter to have poor horses to start

ROAD-AGENT ROCK

On old stage road near Bannack

with, when there was gold-dust on board, or not to be able to find fresh horses when a relay station was reached. If, in addition to this, there was a snow storm, the stage was sure to be very late.

As one of these delayed stages entered a lonely stretch of road, the driver caught sight of three or four queer-looking horsemen in the road ahead. The men's faces were covered with loose masks, and they were wrapped in blankets of green and blue. Even the horses were covered with blankets, only the heads, tails, and legs showing, so that they could not be recognized.

"Halt! Throw up your hands!" was the first order. All hands went up in the air. "Get down, all of you." The unlucky passengers clambered out of the stage and lined up in the road with hands high in the air and three rifles aimed at their heads. The fourth man went through the baggage and the mail sacks, looking for gold-dust. Then the passengers were robbed of what they had in their pockets.

One stage after another was robbed in this way, and while men knew quite well who were responsible

and sometimes recognized the road-agents, they dared not say so.

Two men, N. P. Langford and S. T. Hauser, the latter afterwards Governor of Montana, had fourteen thousand dollars in gold-dust, which they were taking to Salt Lake City for a wholesale store in Virginia City. A crippled shoemaker, thought to be an honest man, who had his bench in the store, heard all their plans for escaping road-agents. He was a road-agent himself, and sent word to the band. When these two men got on the stage at Virginia City for Bannack, they were surprised to find Henry Plummer a passenger. He was sheriff of the county, but was also chief of the road-agents, and they suspected his real character. Mr. Hauser guessed that he was planning to rob them after they left Bannack, so he made no effort to hide the money. At the hotel at Bannack, in the presence of several men, he suddenly remarked: "Plummer, I hear that any man who has money is n't safe in this town over night. I've got fourteen thousand dollars in this bag which I am going to take to the States with me, and I want you,

as sheriff, to keep it for me." Plummer promised to return it, and Mr. Hauser knew that even if he had lost his money by his boldness he had saved his life.

Next day the money was returned, and late in the evening the two men, with eight Mormon freighters, started in a lumber wagon for Salt Lake City. Before they started, Plummer gave Mr. Hauser a bright red scarf, saying, "You will find it useful these cold nights." It was Plummer's private mark on him, for the road-agents.

The night was clear and cold. The men rode until late, all with guns ready for action. When they camped, most of them went to sleep; but Mr. Langford was so cold he could not sleep, and after a time he went to the bank of the little stream to gather firewood. While there he heard low voices and, creeping quietly into the willows, saw three men approach him. They were masked. When they saw him they disappeared. He came back to the camp for a few minutes, then returned to the stream, waded through the bitterly cold water, and crawled through the willows until he suddenly came upon four masked men. One

was holding four horses and the others had just returned from an exploring expedition to Langford's camp. Plummer, the sheriff of the county, was one of them. They had intended to attack the camp, but Langford's sleeplessness had saved it.

Murders went on daily. One road-agent said he would as soon kill a man as eat his breakfast. And these hardened villains watched very closely to prevent the miners from organizing against them. Finally, a miner who was a Mason died of mountain fever — the first man in many months who had died a natural death in those rough days. The funeral ceremonies brought all the Masons together, and when they saw how many there were of their own number, they suddenly realized their opportunity to organize against the road-agents. They were watched, but said they were going to organize a Masonic lodge, and that deceived the roughs.

Shortly afterwards an honest miner was killed in cold blood, and the people resolved to punish the criminal. He was tried in an open-air court, with Wilbur F. Sanders, one of the great men of Montana,

as one of the prosecuting attorneys. Mr. Sanders knew he took his life in his hand, for although the crime was confessed, the murderer did not think the people would dare to hang him. Late in the day, after sunset, when the trial was ended, it was moved that the criminal be hanged. His friends were watching on the edge of the crowd and pistols were cocked and revolvers aimed; but the vote was for hanging. Colonel Sanders then moved that he be hanged "forthwith" to prevent his escape. As the Colonel made that motion he looked into the barrels of guns pointed at him from road-agents in the crowd. The roofs were crowded with people, and glancing up, he looked into the barrels of other guns aimed at him from the roofs. The motion was carried to the utter surprise of the roughs. The flash of revolvers was seen everywhere in the moonlight. But the guards stood firm, and the guns of a hundred miners clicked as they stood like a wall to prevent the rescue of the prisoner. It was a strange scene in the pale moonlight and the glare of the great bonfire. The prisoner was hanged.

This trial was of the greatest importance, for it gave

the honest men sudden courage. They saw they were more numerous than they had thought, and they knew that if they organized they could rid the mining towns of these desperate criminals. So they did organize, and were called *Vigilantes.*

One desperado after another was caught and hanged, but seldom until after he had confessed his crimes. Finally, one of them gave the vigilantes a list of the members of the band, and with that they scoured the country, going sometimes sixty miles in snow and ice to catch a road-agent. The weather was intensely cold, and often their route lay over a lofty mountain with dense snow in the passes. One party camped for two days in a clump of willows in the snow, with no other protection than the bushes, the thermometer below zero, and no fire except what they could get from the green willow branches — and all to capture one road-agent.

¶ A road-agent was eating his breakfast one morning, when he heard a knock at the door, and opened it. "Hands up," said the vigilantes. Within an hour he was hanged. Henry Plummer's turn came at last.

One afternoon while washing his face, he heard a knock. As he opened the door, vigilantes stepped inside. "Come with us," was all they said. He answered that he would as soon as he put on his coat; but a vigilante was quick enough to snatch the revolver from its pocket before he could reach it.

Nearly every man hanged by the vigilantes confessed that he had been guilty of murder, and some of them admitted that they had killed as many as ten or twelve men.

Between December, 1863, and February, 1864, in six weeks' time, twenty-four road-agents were hanged by vigilantes. Many others were ordered out of the country, and as a result murders and robberies became less frequent. Yet times continued to be rough, as they always are in mining camps, and for years afterwards men were shot down in the open streets. Yet it was only two years after the vigilantes did their work that it was necessary to send two and a half tons of gold ore from Helena to Fort Benton, to be shipped down the river to St. Louis. This gold was worth $1,500,000, but it reached the steamer safely.

Reports of the murders and robberies by the road-agents had reached the Government at Washington, and because the country was filling up and needed law-courts, on May 26, 1864, the Land of the Shining Mountains was made into a Territory called Montana. After the Fall of 1864, regular courts with lawyers and judges were organized, and later the vigilantes disbanded because their work was done. They had taken the law into their own hands because in those early days there were no courts and no recognized law; but they succeeded in protecting innocent people and in punishing guilty ones.

CHAPTER IX

PIONEER DAYS

THE pioneer period in Montana covered about seventy years, that is, from the Lewis and Clark Expedition in 1805 to the Custer massacre on the Little Big Horn in 1876. This battle, which ended serious danger from Indians, came but a year or two before the building of the first railroad across Montana. After the railroad came and travelling was made easy and freight could be shipped more rapidly and more cheaply than by boat or wagon, pioneer days may be said to have ended. But during those seventy years, all Montana pioneers, whether traders, trappers, missionaries, road-builders, or gold-seekers, found the new country a very hard one in which to live.

To the east stretched nearly a thousand miles of savage-haunted plains to the Mississippi River, beyond which lay "the States." To the west were steep mountains, dense forests, fertile valleys, and broad stretches of sagebrush lands to the Pacific Ocean,

which was another thousand miles away. The Oregon Trail, the one well-beaten track for all travel, was south of Montana. So the Land of the Shining Mountains was a little off to one side for general travel, and too mountainous to be attractive except to trappers and gold-seekers.

The first trappers came in 1806, and the first fort was established in 1807 on the lower Yellowstone. It was to this fort that John Colter made his way after his race with the Indians. Other small trading-posts were established along the rivers, wherever they were most likely to attract Indian trade; and in 1832 Fort Union was built, and the first steamboat came up the Missouri River. For a great many years after that, however, the passengers on the boats were nearly all Indians, traders, trappers, a few adventurous natures, like Audubon the naturalist and Prince Maximilian of Wied, and travellers to the Oregon country, who began their overland journey, in later years, at Fort Benton.

In 1833 the first missionaries came and stopped among the Flatheads for a few weeks; then they went

EARLY DAY FREIGHT AND EXPRESS LINE

Northeast corner Main and Broadway, Helena, Montana

on to Oregon. In 1841 came the first missionaries who remained among the Shining Mountains. They lived in tepees for a while, as did the trappers, and ate Indian food, such as buffalo meat, service berries, wild cherries, buffalo berries, and wild plums. The Indian vegetables were camas root, bitter root, wild onions, the roots of the water plants, and of the wild lily-of-the-valley.

Food was sometimes very plentiful and sometimes very scarce. The forts on the river could get flour and sugar, salt, pepper, bacon, and coffee when the boats came up once a year, but the whites in the mountains had to go without these things. When the buffalo herds were near-by, there was great abundance of food and a great deal of waste, but when the herds went north into what is now British Columbia, neither Indians nor whites had enough. After their supply of pemmican had been eaten, they had to depend entirely upon fish, roots, and berries, and there was often danger of starvation.

The missionaries began to build log cabins and to plant gardens; but think how far away their supplies

were! In 1841 one of them had to go three hundred miles on horseback, over the wild Bitter Root Mountains, to Fort Colville, in eastern Washington, just to buy a few bushels of oats, wheat, and potatoes. It was a hard, dangerous trip, and required forty-two days.

The next year he needed more supplies, not only seeds and potatoes, but agricultural implements which could not be bought at Fort Colville, so he had to go to Fort Vancouvre, almost on the Pacific coast, and nearly a thousand miles away. Guided by Indians, the party started off through the forests on horseback. It was a hard journey. Branches scratched their faces; the trees were sometimes so close together that the horses almost scraped the riders off. The ground was covered with fallen trunks, which had to be climbed over or gone around, or sometimes chopped out of the way; and when there was any snow, the slightest touch would bring down a mass of it from the swaying branches. One man was caught around the neck by the branch of a tree in such a way that his horse walked cut from under him and left him hanging in the air.

Every year this long journey was made to the coast

for supplies, and sometimes the travellers would be nearly home again, when suddenly they would hear the Indian war-whoop behind them in the forest. Pack-horses with all supplies were run off by the thievish Indians, and after all their long trip the travellers had nothing. This was the one time in the year when the missionaries heard from the outside world.

Whites on the river heard from this outside world when the boat came up. That was the great event of the year. Traders and trappers came in from all the surrounding country, and Indians did also, since they knew that trading would be good and whiskey plentiful. Until 1858, however, the boats did not go beyond Fort Union. In that year they went to Fort Benton. The boats were greeted with cheers and shouts, with the boom of cannon and the firing of revolvers. It was the great holiday of the year. If a boat burned on the river, however, as sometimes happened, traders had to wait another year for letters or papers or supplies of any sort.

You can see that if the whites in the Shining Moun-

tains heard from the outside world only once a year, people in "the States" were not likely to know very much about them or about the country. Yet they did know about Oregon, and many people wanted to reach Oregon without going across the dangerous plains, or without taking the long ocean trip from New York to Fort Vancouvre. So about 1850 a railroad across that strange, wild country began to be talked of. Many favored it, and many opposed. Daniel Webster and other Congressmen objected to having the Government own Oregon or, indeed, to having it pay any attention to the Far West. He said:

"What do we want with this vast worthless area, this region of savages and wild beasts, of deserts of shifting sands and whirlwinds of dust, of cactus and prairie dogs? To what use could we ever put those great deserts or endless mountain ranges, impenetrable and covered to their base with the eternal snow?"

These "endless mountain ranges" were our own Shining Mountains. The "great deserts," now watered by irrigation, are beautiful farming lands.

A railroad was decided upon, however, and in 1853

General Isaac I. Stevens came up the river in charge of a Government expedition; two years later he made a treaty with the Flathead Indians, the Pend d'Oreilles, the Kootenais, and other tribes. The Indians sold their country and agreed to go on reservations, while the whites planned their railroad, which was to pass through the Rocky Mountains to the Oregon country.

In 1862, you will remember, came the discovery of gold and the real beginning of settlement in Montana. It was the beginning, also, of a pioneering of a different sort — not that of trappers and traders, living in Indian tepees, but that of gold-seekers and settlers.

Miners flocked into the country, while there were no means of supplying their needs for food or clothing. The few gardens were far away, attached to the forts or the missions. The only food, aside from buffalo and deer meat, fish, roots, and berries, was that brought up by the steamers. Although at this time boats came as far as Fort Benton, and several boats a year instead of one, yet the Civil War was in progress, nearly all the tribes were on the war-path, trying in every way

to prevent the whites in the fire-canoes from coming up the river, and, as a result, food supplies were very scarce.

Prices on groceries of all kinds were very high. During one year, in the early gold rush, beans were one dollar and twenty-five cents a pound, flour one dollar, coffee one dollar and twenty-five cents, nails one dollar, sugar one dollar and fifty cents, and bacon one dollar and twenty-five cents. Potatoes were eight dollars a bushel. In 1864, supplies were so scarce at any price that it was called the "meat straight" year, since settlers had to depend almost entirely upon meat.

The year 1864 was important to the pioneers. In May, Montana was made a Territory, and in July the Government established a regular mail service, with stage transportation, between Bannack and Salt Lake City. Postage on every letter was one dollar. That was really cheap, for it had been two dollars and fifty cents on every letter or paper brought to the mines. Outgoing letters were all addressed with the juice of the wild gooseberry, which was the only ink to be had.

Pioneers who used the stage line between Bannack and Salt Lake City did not find it very comfortable. Even if the fear of Indians and road-agents did not keep a man awake, the jolting of the stage did. Every passenger had to sit bolt upright and catch a wink of sleep as he could. The trip took ninety-two hours (four days and four nights) and some passengers could not get over five or six hours of sleep. At meal stations along the road it was impossible to eat the food. At Sand Hole, the meal served at a log cabin for one dollar consisted of sagebrush tea, strong butter, heavy, sour bread, and greasy pork. The passengers could not eat it, but had to pay for it.

The earliest courts in Montana were miners' courts. They were held in the open air.

The first legislature in Montana was held in two log cabins at Bannack. The rooms were lighted by tallow candles, heated by sheet-iron stoves, and furnished with merely a desk and a bench of pine apiece. One copy of the Idaho statutes made up the library. Compare that with the beautiful capitol building now at Helena.

The first public school in Montana opened March 5, 1866, in Virginia City. There were no books to be bought except spellers, and not enough even of those; so every child used as a school book any easy book which he might have.

The first newspaper was *The Montana Post*, started in the cellar of a log cabin at Virginia City, August 27, 1864, and moved to Helena in May, 1868. *The News Letter* of Bannack was really the very first newspaper; but it was a tiny sheet and was not published long. There were no telegraph lines and no railroad within several hundred miles, so it was hard to get news from the East, and that was what was particularly wanted. The telegraph line between Salt Lake City and Virginia City was completed November 3, 1866.

Helena, in pioneer days, was a typical frontier town. In 1864 it had a population of several thousand people, housed in log cabins, wickiups, shacks, and tents. The narrow streets were blocked with men, and merchandise was brought up the river to Fort Benton and freighted overland. Ox trains, mule teams, and pack-trains surrounded the mining-camp. Sunday

Photo. by J. R. White. Copyrighted.

A HARVEST IN THE FLATHEAD VALLEY

was the wildest, busiest day of the week. Auctioneers cried their sales, carpenters pounded as they built storehouses or log cabins, or made sluices for washing out gold. Wild mustangs, never before saddled or bridled, plunged through the crowded streets, kicking and bucking in their efforts to shake off their riders. The saloons were crowded.

Bannack was a little older than Helena, but just the same sort of mining-camp. A minister who reached Bannack in 1864 created a great sensation by having an umbrella. He was greeted with loud cries of "Pilgrim!" "Tenderfoot!" and because he was quiet and did not dig for money, he was suspected of being a road-agent and closely watched for six months.

He went to the "hotel" — merely a log cabin — and was given a room. He paid one hundred dollars a week in currency (forty dollars in gold-dust) for this room, but it proved to be nothing more than a place to sleep on the ground, in a corner of the office. Afterwards, as a cheaper means of living, he rented a log cabin. It had but one window and a door, and was furnished with boxes. One large box served

for a table, cupboard, and desk. Smaller ones were used as chairs. He paid twenty-eight dollars in bills for enough ticking to make a mattress and pillows, and stuffed them with dry grass. Even then the poor man was not very happy, because mice liked the dry grass and he could not keep them out of his bed.

This minister's church was a hall next door to a gambling-den. The first Sunday he tried to preach a brass-band was playing on the other side of the thin partition, and miners in heavy hobnailed boots were dancing on the bare floor. Since his congregation, a few men who came out of curiosity to see him, could not hear a word he said, he studied them and their dress. Every man, with very few exceptions, wore buckskin trousers, a bowie knife in the leg of his boot, and Mexican spurs on the heels. The few men who had not yet adopted buckskin suits were comparatively newcomers, and they had patched their coats and trousers with cloth from flour sacks, and the lettering "I. X. L." or "Excelsior" could be very plainly read.

Gold-dust was the only money used by the pioneers. Every store, hotel, and saloon had scales for weighing

it. Miners' wages were eight and ten dollars a day, payable in gold-dust, which was worth about fifteen dollars an ounce.

The country filled up rapidly. Besides the numbers which came across the plains from the Mississippi River or from California, thousands came up the Missouri River. In 1865, instead of one steamer, forty fire-canoes brought men and merchandise to Fort Benton. Trains of groceries, dry goods, and strange machinery moved across the country from the fort; little towns sprang up here and there, usually where gold was found; white men were pouring into the country, and the buffaloes were disappearing. This made trouble for the pioneers with the Indians, who were almost starving, because the buffaloes were being killed off and frightened away. Council after council was called in trying to avoid Indian raids and massacres.

Indian troubles in Montana, except for the battle of the Big Hole and that on the Little Big Horn, were never extensive; yet many whites were killed before the Indians lost their power, and the Blackfeet were always dangerous.

Montana, as we see it to-day with its great ranches, fragrant apple orchards, and gleaming wheat fields, is very different from the strange land, covered only with beautiful wild flowers or prickly pear cactus which the early pioneers saw. Our great cattle ranges bear no resemblance to the vast brown herds of hump-backed buffaloes which wandered over the plains, nor do the well-kept cities with comfortable houses, lawns, and restful parks look at all like the shacks and cabins which used to occupy the same land.

CHAPTER X

INDIAN BATTLES

TWO Indian battles are famous in the history of Montana. One was Custer's last fight on the Little Big Horn; the other, the battle of the Big Hole. There were smaller fights, of course, because the Blackfeet always hated the whites, and because all Indians wanted scalps; but these two battles were important.

There was a reason for all this fighting. The Indians at first had been glad to deal with the traders, because they could get their calicoes and guns and whiskey in no other way; but when they saw how many pale-faces were coming into their country in the fire-canoes and over the Great Medicine Road, and how the buffaloes and deer were being frightened away, they began to be angry.

Then, in 1855, General Isaac I. Stevens came into the Shining Mountanis to buy Indian lands, so that a railroad could be built. But Indians never knew in

those days what *selling* meant. Their idea of selling was to give up their lands for a while, take the presents the whites gave them, and then claim the land again. They really did not know what *owning* meant. If a tribe had lived in a certain valley for a great many years, they claimed it as their land, but the tribe, as a whole, owned it. No one in the tribe owned a single acre of it.

When the Indians sold their lands, they were put on reservations, and every year annuities were sent them. These annuities included money, woollen blankets (which the Indians liked better than buffalo robes), sugar, coffee, flour, calico, beads, looking-glasses, and many other things. They could still hunt, and they were not kept on their reservations as they are now.

Now, at best, this plan could not have pleased the Indians very long. But many of the agents were dishonest, and that made matters worse. They gave them only part of the annuities, sold the rest, and kept the money. The Indians were keen enough to see this trickery. Then they saw the whites building log cabins in their country, planting gardens, digging gold, and worse than everything else, killing and driv-

CURLEY, CUSTER'S SCOUT

ing off the buffaloes and deer. Now, Indians could not live their usual life without the buffaloes and other wild animals. It was harder and harder to find food for the tribe, and they became more and more restless. They left their reservations and tried to force the whites out of the country. They camped around the woodpiles and tried to turn back the steamers as they came up the river. They attacked travellers coming overland. From the Mississippi River to the Shining Mountains the Indians, especially the plains Indians, were on the warpath. They "dug up the tomahawk," as they expressed it. They "raised the war-club," and they "prepared eagle feathers for their hair." Every eagle feather meant a scalp, you know. All over the plains there were massacres by Indians, but very few in the mountains until after 1862, because there were not many whites there.

By 1876, however, the Indians were thoroughly aroused. Game of every sort was disappearing. They bought guns, powder, and bullets, gradually slipped off the reservations, and gathered along the Yellowstone River in Montana.

This country along the Yellowstone was the Indian "story-land." The beautiful sweep of the mountains, the broad valleys with abundant green grass, the wide rivers, and more than all, the thousands of buffaloes, elk, and mountain sheep which still lived there, made the Indians love it.

The Government became alarmed and ordered the Indians back on their reservations. They refused, because they meant to drive the pale-faces out of their country. That meant war.

On the Little Big Horn the Indians had gathered when the white soldiers came to attack them. The redskins were led by Sitting Bull, a famous Sioux medicine man. The soldiers were led in the actual attack by Major-General George Custer, a well-known Indian fighter; but General Crook, General Terry, and General Gibbon were at the head of this little army, which in three sections was to meet at the mouth of the river. There were in all about 2,500 soldiers. Sitting Bull was supposed to have between 400 and 500 warriors, but that was a great mistake. It was nearer 5,000. Besides, the Indians were armed with the best

rifles and had plenty of ammunition. The troops had poorer guns because the rifles which the traders sold the Indians were actually better than those supplied by the Government to men who had to fight Indians. That was another serious mistake.

Now, General Custer with his own regiment of 600 men was the first to reach the Little Big Horn and discover the Indian camp. When he saw the Indians and knew they had seen him, he knew he must fight without waiting for the other troops. He was sure he had enough men in his own regiment, and thought he must attack them before they could send out scouts and get other warriors to join them.

The Sioux camp was very, very large. It had more than a thousand tepees and was at least two miles long. If General Custer could have seen the size of the village, he might have retreated instead of attacking; but the bluffs hid it so that he saw only one end, so he decided to attack.

As Custer's regiment galloped along, they could see the Indian scouts, like tiny dots, running off through

the country for reinforcements. For the attack, he divided his men into three companies: one, under Major Reno, was to attack the southern end of the village; Major Benteen was to go straight ahead; and Custer himself attacked the northern end.

The Indians attacked Major Reno first, and he dismounted his men to fight. They lost time in that way and the Indians were swarming around them like bees, when suddenly he gave the order, "Mount, and get to the bluffs!" The mounting cost more time. Reno himself led the retreat, and nearly every man killed in his command was killed while running away. When the Indians saw the retreat, they did not follow him closely, because they knew he could not escape from the bluffs. Major Benteen went ahead as ordered, but he found no Indians, and hearing the firing from Major Reno, joined him and retreated also to the bluffs. That left General Custer with only 250 men to face nearly 5,000 Indians.

When General Custer saw the number of Indians he had to face, he sent a scout to Major Benteen: "Benteen, come on, big village, be quick, bring packs."

TWO OF THE CHIEFS WHO FOUGHT AGAINST CUSTER

By "packs" he meant the pack-train which had all the extra powder and bullets.

You know how that dreadful day ended. Reno and Benteen stayed on the hill, while every man in Custer's command died fighting, and every one died with his face to the foe. What could Custer with 250 men do against 5,000 yelling, whooping, howling Indians, who were determined to kill off the whites and save their "story-land"? What could he do against all those braves, who were determined to have white scalps?

General Custer fought so bravely that the Indians did not try to kill him, but apparently intended to hold him as a prisoner. Not a wound was on him, until with all his command dead or dying, Custer killed himself. After every battle Indians always cut and scar the dead, and these Indians mutilated every body which lay on that battle field, except Custer's. His was sacred because he died by his own hand. They did not even scalp him.

The Sioux Indians to-day, when they talk about Custer, and this last battle of his, call him the "Even-

ing Star," the "Morning Light," and other beautiful names. They look upon him almost as a god because he was so brave.

After Custer's command had been killed, the Indians turned to Reno's men on the bluffs. They fired at them from five o'clock on that afternoon of June 25 until ten o'clock at night. Then they placed sentinels around the men cooped up on the bluffs, and went back to the big village.

That night Major Reno and Major Benteen with their men, prisoners on that bluff, without food or water, heard the frantic yells of joy, the beating of the tom-tom, the whooping and howling of the Indians, as all through that hideous night they danced the scalp-dance. The whites knew well enough whose scalps were at the end of the coup-sticks — the scalps of their own comrades, the men who had tented and slept and fought with them. It is likely that each man wondered whether his scalp might not be at the end of a coup-stick by the next night.

Early next morning the battle began again, and the soldiers fought desperately all day. In the after-

noon, the firing became less. They wondered if it was a trick, but by evening the Indians were running away — scouts had brought word that more white soldiers were coming. The Indians had lost several hundred warriors, so they retreated.

General Terry and General Gibbon had come down the river in time to save Reno and Benteen, but too late to save Custer. The next day, June 27, the troops formed in line and marched to the Custer battle field to bury the dead. They buried them just where they had fallen, and if you look at the picture of the cemetery you will see that many of the graves are in twos, showing that the men had fought and died side by side, as comrades should.

The Indians really won the battle of the Little Big Horn; yet it made them understand the power of the whites, and they never again attempted to kill off the whites, as a nation, or to drive them out of their country. Soon after the battle, the great band of warriors broke up into smaller bands and they, one by one, surrendered to the Government and were sent back to their reservations. Sitting Bull was held as a

prisoner because the Government feared his influence with his people.

The battle of the Big Hole was fought in Montana, in August, 1877, but the Indians were the Nez Percés, from the other side of the Bitter Root Mountains, in what is now Idaho. These redskins came over the mountains, killing white settlers as they passed, evaded some soldiers sent to watch for them at the Lo Lo Pass, and started up the Bitter Root Valley.

The redskins moved slowly up the valley, plundering the whites here and there, or setting fire to the cabins. They did not know that the white soldiers were so near, and they had, at best, a great contempt for the "walking soldiers," because to an Indian a man on foot is a very poor sort of creature.

But the "walking soldiers" were close on the trail of the Nez Percés, and they were very clever men, if they did walk. As the troops pursued the Indians, their scouts crept so close to the Nez Percés' camp that they could hear the voices of the warriors and the sound of chopping as the squaws cut down small trees for lodge poles. Yet the scouts could not tell how large the

Photo. by F. A. Rinehart, Omaha. Copyright 1900.

THE LONELY FIELD WHERE CUSTER AND HIS MEN FELL

Indian camp was until two officers climbed a tree and were almost horrified to see hundreds of ponies and warriors almost underneath them. They slipped down out of that dangerous tree very quickly.

That night the soldiers had only a scanty supper on hardtack and pork. No fire was possible for they were too close to that circle of tepees. They hardly dared breathe for fear of seeing an Indian rise out of the bushes around them.

At ten o'clock, the soldiers began their silent march in the darkness along the winding trail toward the camp. They marched through dense groves of trees, through jungles of underbrush, up hill and down, and waded through the cold mountain stream. In this way they travelled five miles, until they reached the tepees on the Big Hole River. As they neared the camp, they passed through a herd of ponies, and every soldier cocked his gun for quick use in case the Indians became alarmed by the restlessness of the horses.

At last they came within four hundred feet of the tepees and dropped down on the ground to wait for dawn. Their teeth chattered with cold, and many

were wet through from wading; but their overcoats and blankets were five miles away.

The tepees were in the edge of the valley, close to the water. Camp-fires smouldered, fed by wood which the squaws threw on from time to time during the night. Hungry Indian dogs were barking, and occasionally the neighing of a pony near-by broke the stillness. If the Indians had been on guard, there would have been a warrior behind every tree; but they still believed the "walking soldiers" were far away.

At two o'clock in the morning, when the first faint light dawned over the eastern hills, the troops crawled a little closer to the tepees, moving as silently as Indians. Suddenly a herder came out of his tepee to look after the ponies. The soldiers waited until he was within a few feet of them, then shot him.

That was the signal. In an instant soldiers were firing into the tepees and the Indians were panic-stricken. The braves forgot their guns and fled into the underbrush. Squaws shrieked, children screamed, dogs barked, horses neighed and broke loose —

IN MEMORY OF
OFFICERS AND SOLDIERS WHO FELL NEAR THIS PLACE
FIGHTING WITH THE 7TH UNITED STATES CAVALRY
AGAINST SIOUX INDIANS
A. D. 1876

MONUMENT TO CUSTER AND HIS MEN

everything was in an uproar. But the Indians quickly recovered, rushed for their guns, and the battle began in earnest.

The soldiers first tried to set fire to the lodges, but the canvas ones were damp from the heavy dew, while the buffalo-skin tepees would not burn at all. All the Indians, men, women, and children, were fighting, and there were four hundred braves, while General Gibbon had less than two hundred men. When the Indians got among the trees and into the brush where they could not be seen, while the whites were in the open, it looked as if the troops would be thoroughly defeated.

Beginning at two o'clock in the morning, the battle continued straight through the day. The Indians fought like demons, and the squaws were as dangerous enemies as the braves. General Logan shot a warrior, but his squaw snatched the revolver from the dead Indian's hand and shot the General dead. The Indians captured the only cannon which the soldiers had, hid the wheels in the woods, and gained all the ammunition — two thousand rounds. In the afternoon they set fire to the long grass in which the soldiers

were hidden and the smoke almost suffocated them. But just as the fire reached them the wind shifted and drove it back from the soldiers. At this lucky turn the troops cheered wildly.

It took courage to give that cheer. The men had had no food and no sleep. After a night and a day of fighting, the battle was going against them. They were almost sure of being defeated, and it was a fight for their lives; for the Indians were well hidden and the soldiers could only aim at the little white puffs of smoke which came from the brush. The Indians, on the other hand, knew just about where the whites were. So the battle raged until late in the afternoon, when suddenly the Indians stopped firing and disappeared. That alarmed the soldiers more than ever, for they thought it was some trick. Even though the battle seemed over, they dared not move. But it was not a trick. The Nez Percés had captured a white man, who told them that another general with more "walking soldiers" was coming up the valley, and the Indians had already lost so many warriors, besides their tepees and all their possessions, that they ran away.

General Gibbon, who led this fight, had only one hundred and forty-six soldiers, fifteen officers, and thirty-four white settlers who had joined him. He had had to travel over two hundred and fifty miles on the trail of those Indians, and then had to fight a night and a day without food or rest. The "walking soldiers" had fought well and aimed well, for after the battle was over they found the bodies of eighty-nine dead Indians. Other braves who had been killed or wounded had been carried off by the Indians in their flight.

In its results this battle was entirely different from that of Custer's last fight on the Little Big Horn. Custer and his men were defeated and every man killed, yet that fight showed the Indians that the whites were just as brave as they, and would not be driven out of their country. The daring of Custer probably saved a general massacre and many other battles. But the battle of the Big Hole, although the whites were victorious, did not teach the Indians such a thorough lesson. It simply protected the settlers in the Bitter Root Valley and prevented a massacre that had seemed almost certain.

CHAPTER XI

INDIAN BELIEFS AND LEGENDS

WHO created the world, and how did he happen to do it? That is what the Indians often wondered. They talked of it around the camp-fire, one generation after another, until finally in the course of a great many years, they came to have a regular explanation of the creation of the world. Yet different tribes had different explanations. The Blackfeet explained it in one way, and the Crows in another.

The Blackfeet say the world was created in this way:

In the beginning all the land was covered with water, and all the animals were floating around with Old Man on a large raft. ("Old Man" is the Blackfoot name for the Great Spirit.) One day Old Man told the beaver to dive into the water and bring up a little mud. Down jumped the beaver off the raft and with a big splash he disappeared. He was gone a long time, but finally came back and said he could not

reach bottom. The land was too far down under the water. Then Old Man sent the loon down. The loon also came back without any mud. Then the otter tried it, but after he had been gone a very long time, he came back and said the water was too deep.

Old Man was rather disgusted because he was tired of that raft with all the animals jostling each other on it. Finally he sent the muskrat down. The muskrat splashed into the water and went down, down, down, until he thought he must have gone through all the water there ever was. But still he could n't find any mud. So he went still farther down, down, down! Old Man and the animals on the raft waited and waited and waited. Finally, when the muskrat had been gone a long, long while, and they had decided he was drowned, they were surprised to see him come to the surface. He was so tired he could n't swim, and at first they thought he was dead. But they grabbed hold of him, one catching his tail and another his foot, and pulled him onto the raft. The animals were all disappointed at first, and Old Man too, because they thought he had failed;

but at last, in one paw, they found a tiny little bit of mud. Old Man took this mud and made the world out of it. Afterwards he made all the people.

The Crows say the world was created in this way:

Long ago the earth was very small, and all around it was water. One day as the Great Spirit was walking around, he took some earth and threw it into the water. The earth became a Crow Indian, who stepped out of the water onto the dry land. But his eyes were closed and his mouth shut until the Great Spirit opened them.

Then the Great Spirit called a bird to him. When it came, he threw it into the water. When the bird came back after a little while, she flew up to the Great Spirit with sand in her beak. He took this sand, and when he blew it off the palm of his hand, the earth became very much bigger. Afterwards the Great Spirit made the buffalo, the elk, and the antelope, that this new man might have food.

But this Crow Indian was very lonely. He had no one with whom he could talk. At last he was so lonely that the Great Spirit threw more earth into

Photo. by M. J. Elrod.

READY FOR THE PROCESSION

Notice the beading on the horse

the water and there came up more Crows, both men and women. These new people were very happy. They lived very far from white men and had no enemies. They had only one trouble. They had no fire. They had to put a stick between two other sticks and rub it around and around and around until there was a spark. It was hard work and it made them tired.

Afterwards the Great Spirit threw more earth into the water, and a great many more men and women stepped out on dry land. These were the Flatheads, the Sioux, the Piegans, and the Assiniboin Indians, and the Great Spirit placed them all around the Crow Indians. But he put the Crows in the middle of the earth because they were the best Indians. The Crows used to fight with the other Indians. Then the white men came and traded knives and guns for buffalo robes.

That is the way Iron Bull, a Crow chief, told the story of the creation of the world.

The Flatheads think the road to paradise is through the stars. When you look up at the sky on a clear

night, you see a long white ribbon of stars called the Milky Way. This is the Flatheads' road to heaven. All good Indians go to this heaven, where it is always summer time. A brave finds all his favorite horses there, and his squaws. His tepee is very large and comfortable, there is always plenty to eat, and he has nothing to do but to hunt among the great herds of buffaloes and be happy. Bad Flatheads go to a country underneath the earth, where it is always winter. These bad Indians never have enough to eat, their tepees are always cold, there is always snow and ice around them. They can see cozy fires and herds of buffaloes in the distance, but they can never reach them. Always they are cold and hungry.

The Blackfeet never say that a warrior is dead. They say that his shadow has gone to the Sand Hills. A man's shadow is his soul, they say. When a brave goes to the Sand Hills, his favorite horse is killed at his grave so that he may ride there. It is a great disgrace for a warrior to walk anywhere. In his grave, also, are placed all his best clothing, his war-bonnet, his tomahawk, and his war-club, so that the shadow

may wear them In the Sand Hills he will find all the animals he has ever killed, all the horses he has ever stolen, and all his squaws. Bad Blackfeet cannot go to the Sand Hills. They must stay around the place where they died, and are always unhappy.

The Assiniboins, the Sioux, and sometimes the Blackfeet placed their dead on high platforms where wild animals could not reach them. In the mountains, bodies were strapped into the crotch of a tree. Out on the treeless plains, however, they built the platforms.

Any one especially honored, such as a chief, a chief's favorite daughter, or perhaps a medicine man, was buried in a tepee grave. These tepees were made of fresh, beautifully whitened skins, and the dead person was laid on buffalo robes and covered just as though asleep. Food was put at his side, all his ornaments, necklaces, and beaded clothes were carefully laid on buffalo robes and then the tepee was fastened shut. The sides were pegged down so that the wind could not blow it over. The tribe then moved away, leaving this single white tepee standing alone on the

plains. No enemy would dare to touch it for fear the Great Spirit would punish him.

All Indians have a vague idea of some great Being, whom they call by different names. With some it is "Manitou," or "Great Spirit," but with the Blackfeet it was "Old Man." Yet the Blackfeet tell a great many stories about Old Man which show that he was a queer kind of a god, since he played so many tricks upon people. The Blackfeet and nearly all other Indians really worshipped the sun. They knew they could not live without the light and the heat of the sun. Grass would not grow, and buffaloes could not live without sunshine and warmth.

Whenever Indians light the calumet, the pipe of peace, or when they first light the "medicine pipe" at a great council, they offer it to the four points of the compass — north, south, east, and west, and to the sky and the earth, before they smoke it. They have great respect for the earth because all the green things grow out of it.

During an eclipse Indians are greatly frightened. They believe some great animal is trying to swallow

the sun. Dressed in war-paint and war-bonnets, they rush out of their tepees, shoot off their arrows and guns and keep up a constant whooping and yelling until they drive the dreadful animal away, and the sun shines clear and warm again.

The skin of a white buffalo was sacred to the sun. Whenever a white buffalo was seen in the herd, the whole tribe made every effort to kill it. The skin was dressed with the greatest care, so it was unusually soft and smooth. Then it was given to the sun, and no man could use it. Traders could not buy such a robe, because it belonged to the tribe and was sacred. Any man who stole it or sold it would, if caught, pay for it with his life.

"Medicine" to an Indian is anything he does not understand. The fire-canoes and fire-wagons were big medicine, and a cannon was very bad medicine. A piece of machinery, even a queer stone, was medicine.

When Father De Smet, one of the early missionaries in Montana, visited a Blackfoot chief, he gave him some mysterious fire. The chief was so pleased that he was always afterwards the friend of the priest.

Two years afterwards he visited the priest and said his medicine was all gone. It had worked well, he said. Whenever he was going into battle he would scratch on a stone some of the little sticks which the priest had given him. If the mysterious fire appeared, he knew he would take many scalps. But now his medicine was all gone and he was afraid to go into battle without it. Then he opened his medicine bag and showed Father De Smet — what do you think? A lot of burned-out matches.

All Indians are afraid of thunder. When the first rumbling peal comes in the Spring, the Assiniboins say it is the voice of the Great Spirit. They offer it sacrifices, such as tobacco and the best pieces of buffalo meat.

The Sioux Indians say that thunder is an enormous bird and that the sound is the flapping of its wings. The old thunder is such a wise bird that he never kills any one — all the harm is done by the little thunder-birds. Indians think it is the thunder which kills, not the lightning. Lightning is the flashing of the thunder-bird's eyes.

Every tribe has some "totem"; that is, an animal regarded as sacred. This is quite different from a totem pole. Many of the North American Indians never heard of a totem pole, which is really the history of the intermarriages of tribes. But all tribes had a totem, a sacred animal, which was selected for some quality which they admired. If a bear, for instance, is the totem of a tribe, it is too sacred to be killed unless the tribe is starving. Then they will kill and eat it, but only after they have made it a short prayer, saying how hungry they are and asking the bear to forgive them.

The beaver was the totem of the Flatheads. They tell this story about the industrious little animals:

The beavers and porcupines are brothers, and in olden days they used to live together. They were not very comfortable, though, because the beavers were always busy and the porcupines were lazy. Besides, the porcupines disliked the water, and the beavers almost lived in it. So the beavers decided to get rid of their brothers. One fine day the beavers announced it was so beautiful they did not want to work,

and they invited the porcupines to take a walk with them. So they all went on a long tramp until they came to a great many cedar trees and juniper bushes. The porcupines were hungry after that tramp, and they were so greedy in eating the buds and berries, that they were soon fast asleep. Then the beavers stole quietly away and left them forever. Now the beavers work just as hard as they please because there are no brothers to bother them.

Flatheads say that the beavers used to be Indians, but that they were very bad, and as punishment the Great Spirit changed them into animals. But because they work so hard, some day they will be made Indians again.

The Blackfeet say that cold and snow are brought in by the Cold Maker, a white man, with white hair, dressed in white, and riding a white horse. As the Cold Maker rides around the country he carries the storm with him.

Indians believe their dreams. They think that when they dream their soul travels, and when they awaken they must do what their soul directs. One

Photo. by S. W. Matteson.

BELLS AND BEADS

Dancing costume of an Assiniboin on the Fort Belknap reservation

squaw dreamed she was dressed in men's clothes and killed a deer. The next morning she dressed herself in that way, took her husband's bow and arrows, and really did kill a deer. So she kept on wearing men's clothing, and the tribe thought it was all right for her to do so, until she had another dream that told her to wear her own clothes again. White men have sometimes saved their lives when among Indians who were not friendly by making up some long story and telling it as a dream.

CHAPTER XII

HOW THE INDIANS LIVED

IF you were a little Indian boy who wanted to be warm in winter, what would you wear? A buffalo robe, with the hair on. If you wanted a cooler dress in summer, what would you wear? A buffalo robe with the hair off. If you were hungry, what would your food be? Buffalo meat, and perhaps some roots. If you were a Blackfoot boy and wanted to coast down hill in winter, what sled would you use? Buffalo ribs. If your sister was told to get a bucket of water, in what would she carry it? In a pail made of buffalo hide. The odd thing about that pail, too, was that after water had stood in it a while it would become so soft that the sides would fall in and the water spill out. Water-pails had to be hung up on trees, or on the lodge pole, just as the babies were.

It was buffalo, buffalo, buffalo everywhere. The great herds made the green plains seem brown. One herd is known to have covered a stretch of country

seventy miles long and thirty miles wide. Army men travelling through Kansas were three days in passing through another great herd. Even so late as 1869, a train in Kansas was stopped for nine hours waiting for a herd of buffaloes to cross the track. It was buffalo, buffalo, buffalo everywhere. And so long as the Indians had their ponies and their buffaloes, they were perfectly happy. Buffaloes supplied an Indian's every need.

Indians ate the flesh of the buffalo, their beds were simply buffalo robes, and their blankets — whether for dress or for sleeping — were other robes. The tepees in which they lived were buffalo hides, sometimes decorated with strange pictures of warriors, horses, and buffaloes. Strong buffalo hides furnished the coverings for their bull-boats and their heavy war-shields. Their moccasins, saddle blankets, and harness were all made from strong hides. Buffalo sinews were used as thread and as string, and when a heavier rope was wanted for a lasso or a tether or for fastening lodge poles together braided strips of buffalo hide were used.

From the hoofs of the buffalo, Indians made a glue with which they fastened the heads and feathers on their arrows. Pieces of buffalo ribs, broken off short, were used for scraping hides while they were being dressed and tanned. The ribs were also used by boys as sleds for coasting down hill, and as runners for the *travois*,* which were drawn by dogs or ponies.

Other uses were made of the buffalo. Before the whites came, very few tribes had any earthenware dishes or metal pots in which to cook their food. One or two tribes had found that clay could be shaped and then baked hard in the fire, but many tribes used only buffalo skins. Cups, pans, and dishes of every sort were made from pieces of hide stretched over hoops of willow at the top and bottom. Nothing hot and nothing liquid could stay for any length of time in such dishes, because they would become soft. Spoons of a rough sort and little plate-like dishes were occasionally made out of buffalo horns. A horn was cut lengthwise and heated until it was flexible enough to bend.

* Pronounced Trav-woi.

Photo. by M. J. Elrod.

A FLATHEAD AND A BLACKFOOT BOY

In dancing costume on the Flathead reservation

When meat was to be boiled, a squaw would do it in this way: She first dug a hole in the ground, and lined it with a big piece of skin, with the fur side down. The edges of the hide spread out on the level ground around the hole, and were held down by stones. This hide was filled with cold water, the meat put in, and then red-hot stones which she had heated at a camp-fire were dropped in. The stones heated the water until it was boiling, and gradually the meat was cooked. This method was used especially by the Assiniboins. The word Assiniboin means "one who cooks with stone," a "stone-boiler."

Even the matter of building a fire was not easy for Indians. Before they knew anything about white men's ways, their only way was to rub sticks together until the friction struck out a spark. This was so hard to do, especially in damp weather, that they tried not to let their fires go out, and when they moved camp, they saved a piece of burning wood.

The Blackfeet used a fire horn — a buffalo horn — which was filled with moist, rotten wood. When they broke camp, the man in charge of the fire horn put in

a red-hot coal, covering that with a piece of punk, and plugged up the open end with a piece of wood. Every two or three hours he opened the horn, put in more punk, and kept the coal burning until the new camp was made. The first fire was lighted with this coal and the other fires lighted from that.

Fires were used in a queer way for cooking roots. Indians depended largely for vegetables upon camas root, bitter root, and sometimes, especially when food was scarce, upon the roots of water plants or even thistles. Camas roots were cooked in holes in the ground. After a hole was scooped out, a hot fire was built, into which plenty of stones were dropped, and the fire was kept up until they were red-hot. Then the charred sticks and ashes were cleaned out, leaving only the hot stones in the bottom. Camas roots were packed into the hollow, covered over with twigs and grass, with earth over them. On top of this earth a hot fire was built and kept burning for two or three days. Then the hole was opened, the roots spread out to dry, pounded into bits, and sometimes kept for months. Children liked to gather around this crude

oven when it was opened to suck the sweet juice from the twigs.

The bitter root was a favorite vegetable with the Flatheads. It gave its name to a great range of mountains and to a valley, and is now the State flower of Montana. It has a beautiful pink flower early in the Spring, but when the Indians dig it for food it is only a slender little brown root, an inch or two long. It is quite bitter, and the early trappers and traders never learned to like it.

If you were an Indian boy you would never have any work to do. Of course there was no school, and there was no Sunday. All that the boys in any camp had to do was to play, and most of their play was making believe they were warriors. They hunted rabbits and squirrels with their bows and arrows, and grew to be expert shots. They early learned to be cruel, and any squirrel or rabbit which they captured was sure to be tortured to death.

Indian boys were never severely punished, yet they had to behave. If they persisted in talking too much when braves were in the tepee, two or three would be

rapped on the head with a stick. If they forgot to keep the fire up, a brave would call out, "Look out for the skunk!" and if wood were not put on the fire very quickly, a stick of it would be thrown at the children. But Indian boys had a thoroughly good time. Their life was all play.

Boys soon learned to know the tracks of the different animals, and to know how fresh they were. They learned, also, to cover their own tracks in true Indian fashion, so that in passing they left no trails. They learned all the Indian signs; the meaning of a broken twig, the number of braves in a passing band, whether it was a hunting party or a war party, and whether they were friends or foes. All this they learned to tell from the footprints on the trail.

Every Indian boy knew that he must be brave or he would be disgraced. A man who ran away in battle or who showed fear brought disgrace upon his whole tribe. He had to wear women's clothes and do the work of a squaw around the camp. He was never allowed to go hunting, to go on the warpath, or to act as if he were a man at all.

Photo. by M. J. Elrod.

INDIAN FINERY

Dance on Flathead reservation. Notice the weasel tails (our ermine) on the costume to the right

Every Indian boy wanted to have a "strong heart," that is, to be brave and earn the right to wear eagle feathers. Boys almost held their breath when, in the Spring, the young braves counted their *coups*.* Coup is a French word which means a *blow*. Every Indian carried a coup-stick into battle with him, and if he first struck an enemy with his coup-stick he could claim the scalp, even if another brave had killed this enemy. You can understand why. An Indian could kill his enemy at a distance with bow and arrow, or with a gun, and he could do this while concealed behind a tree where he was perfectly safe; but it took more courage to get so near an enemy that he could be struck with a stick held in the hand. So a man who could count many coups was considered very brave. The stealing of horses also counted as a coup.

When a young warrior counted his coups, he began by taking up a bundle of sticks. Every time he told of some deed of bravery he threw away a stick, until all were thrown away. Perhaps he would tell of his bravery in attacking a party of trappers in the moun-

*Pronounced coo.

tains, or of stealing the best horses from another tribe. To the boys this counting of the coups was very exciting, and every one of them wanted to grow up, right away, so he could be brave and be an honor to his tribe, and wear eagle feathers in his hair.

Every eagle feather meant a scalp. A brave Indian could win enough honors to wear a war-bonnet and have a long string of feathers, fastened on a buckskin thong, hanging down his back.

How do you think Indians secured the feathers? Eagles were hard to kill in the days when only bows and arrows could be used, because the great birds fly so high. They had to be trapped.

An eagle-hunter would dig a pit, very quietly, near a group of birds. Its walls would be a little higher than his head; it would be three or four feet long, and just wide enough to permit him to move in it. It was roofed with grass and twigs.

Just before daylight some morning, when all was ready, he would climb down into the pit, leaving a piece of bloody buffalo meat tied to a rope, just outside. The first eagle which saw the meat would fly down for

it. Of course the Indian held tight to the rope when the bird tried to carry off its feast, until finally the eagle would begin to eat where it was. Then, while it was busy eating, the Indian slipped his hand through the roof, caught the bird by the feet, dragged it into the pit, and wrung its neck. The pit was so small the eagle could not use its powerful wings, so the hunter was in little danger. Still, a successful eagle-hunter was a much respected man.

Indian boys had such a good time, just being boys! When they grew to be warriors, they still had a good time so far as work was concerned. When the braves were not hunting buffaloes or on the warpath, they did nothing but smoke, gamble, and give feasts. If a large herd of buffaloes was near-by so that meat was plentiful, a warrior would give as many as three feasts a day. His squaws cooked the best meat, and when it was ready he stepped outside his tepee and shouted three times the names of the braves invited. After eating, smoking, and gambling, they would start off for another feast. An Indian could eat three or four times as much as a hungry white man. The squaws

waited on the braves and ate whatever scraps might be left.

If you were a little Indian girl you would not have so good a time. There was no school, but you would have to help in so many ways. There was firewood to be picked up, water to be brought from the spring or the creek in the buffalo-hide pails, and there was nearly always a little papoose to be taken care of, although Indian babies were strapped into queer little cradles with a stiff board back and hung up out of the way on the branch of a tree or out of the sun, on a tepee pole. You would have to help in jerking meat, in making pemmican, in dressing the buffalo skins brought in, in making moccasins and in beading them, in cooking for the feasts, and in all the hard work of the camp, because the women had all the work to do.

The hardest work came when the Indians moved their camp. Then all the robes and belongings had to be packed up, the tepee taken down, the lodge poles bundled together and packed on ponies; and away the tribe went, over the hills or the plains, to some point where there were herds of deer or buffaloes and

Photo. by M. J. Eirod.

A MONTH-OLD PAPOOSE IN ITS CRADLE

Ready to be hung up out of the way on the branch of a tree or on a lodge-pole
The beading is very beautiful

plenty of fresh water. Even the dogs had to help if a brave was poor and owned few ponies.

Dogs had to draw *travois*, since they were so small that not much could be packed on their backs. That is another French word. A *travois* was made of three sticks. Two were fastened to the sides of a dog, or perhaps a pony, like the shafts of a wagon, except that the ends dragged on the ground. The third stick fastened the other two together so that they could not spread apart. A pony *travois* could carry heavy articles, and even a person. On the dog *travois* were packed many small articles and sometimes a papoose, although that was a little dangerous. At one time, when a Blackfoot camp was moving, it stampeded a herd of buffaloes. The buffaloes raced away over the plains and the dogs after them breaking their *travois* and spilling everything on them. Two little babies were spilled off into the long prairie grass and lost. The Indians could never find them and they probably starved to death on the plains.

After a day's hunting was ended, Indians liked to tell stories around the camp-fires. These stories were

of the "good old times," and the Blackfeet said Old Man was angry if they were told in the daytime, so they were never told except at night around the campfires. They were so interesting that braves would forget to smoke, and squaws to make moccasins, even when they knew the story by heart.

An Indian was just as anxious to know what was going on as a white man is to get his morning paper. If he liked the news, he grunted his approval. If he was surprised, he put his hand over his mouth. Every trader or trapper who came into an Indian camp was a walking newspaper; and the moment the tribe learned he was there, the braves crowded around him, if they knew him, for the latest news.

Now, with so many different tribes, each speaking a different language, do you wonder how they understood each other? They used the sign language. A trapper who did not know a word of any Indian language could talk to a Sioux, a Blackfoot, a Flathead, and a Crow, all at the same time, and have each one understand him. He would not say a word either. It would all be done with his hands.

AN INDIAN TRAVOIS

The sign language of the Indians was really very wonderful, for Indians from any tribe, or any part of the country, could talk to any other tribe by means of these signs. Traders could go into a camp of Indians and talk to them, trade with them, perhaps spend a winter with them, and not know a word of the language. One famous Montana trapper named William T. Hamilton was so expert with the sign language that the Indians said, jokingly, that he knew every sign they did and a great many more.

Indians were very fond of dancing. They had the corn-dance, the grass-dance, the sun-dance, the scalp-dance, and many others. All tribes had their war-dances.

Indian dances are still held on the reservations to-day, although now they are only to amuse —"just like the whites" as one of them said. But for these dances they get out all their beaded finery and lay their plans for weeks ahead. In Montana these dances are usually held about the Fourth of July.

Indian music is not like that of the white man, because it has no accent. It is sometimes called a

"tom-tom." All the dancing is done to the music of this tom-tom — a steady *thump, thump, thump* — beaten on a rawhide drum, by four squatting Indians. Dancers keep time for themselves, too, by singing — a strange, wailing sound, all in minor chords, which, when it is once heard, is never forgotten.

The costumes at a dance held on the Flathead reservation in 1906 were truly Indian, but some were really beautiful. Buckskin suits, beautifully beaded, were trimmed with the tails of weasels. These tails are pure white, with a little black tip. Other costumes were made out of blankets with gaudy stripes of red and blue and yellow. Another was of deep crimson with broad fur belt, a necklace of bears' claws, and beaded leggings and moccasins.

Every Indian was decorated with long straps of bells. These straps, covered with tiny sleigh-bells, were looped to his belt, or wound around his waist and knees, while other long straps were fastened to the outside seams of his queerly cut trousers. With imitation tomahawks, these Indian warriors danced around and around their imaginary victim, striking

at him with their knives and tomahawks while all the time the steady tom-tom of the drum, the singing of the drummers and dancers, the jingle-jangle of hundreds of tiny bells, and the incessant war-whoops, made a perfect crash of sound.

It was a very hot day, and some one had brought plenty of real pink, circus lemonade to the dancing grounds. It was a very queer sight to see these yelling savages, with war-bonnets, painted hair, and painted faces, after ending a dance, drink the pink lemonade and drop down on a seat with a broad grin and "Ugh! It's hot to-day."

The beading was beautiful. There were beaded belts and beaded moccasins, elaborately beaded leggings and beaded armlets, long necklaces of beads, and vests that were so stiff with the beading they could not be bent without breaking. The colors were the four Indian colors — red, blue, white, and yellow — but especially blue and white, since those two colors are more sacred.

On one day they had a great procession around the circle of a hundred tepees, which formed the encamp-

ment. Every warrior was on his favorite pony, and the ponies were dressed up just as much as their masters. The beaded saddle blankets had long buckskin fringes which almost swept the ground. The braves in their gayest colors, with war-bonnets and blankets and beads and necklaces, paraded around and around the circle on these beautifully decorated ponies. The blue mountains close by, the bright sunlight shining on tamarack forests and on the wide-sweeping circle of tepees, made a beautiful background for this parade. Even the ground was carpeted with wild flowers of all colors.

On another day there was a sham battle. An opposing band of warriors pretended to steal a herd of ponies. Of course, the theft was quickly discovered, and then away went the Flathead pursuing party with wild whoops and yells, arms and legs flapping in true Indian fashion with every motion of the pony. You could hear the quick *bang! bang! bang!* of the rifles in the fresh mountain air. Then the Flatheads came whooping back waving the imitation scalps of the enemy.

Photo. by M. J. Elrod. Copyrighted.

"DRESSED UP"

Seen at the Fourth of July dance on the Flathead reservation. Notice the beaded papoose board

Some of the Indians at this dance had long fox-tails hanging down their backs. This was because they had been in prison and had had their hair cut off. An Indian does n't care much about being sent to prison, but he does care about having short hair. That is a great disgrace. All Western Indians leave the hair long, part it in the middle, and braid it in two plaits, but they always leave the scalp lock free. That is a sign of bravery.

But in spite of their dances and their easy life, the Indians of to-day are not happy. The buffaloes are gone, their mountains and the broad plains belong to the whites, and they are cooped up on their reservations. It is not fifty years ago that gold was discovered in Montana, and some of the old men in the tribes remember very plainly the days before the fire-canoes came up the river, when there were no white men at all in the Land of the Shining Mountains. Now even the reservations are being thrown open to the whites, and the Indians are being scattered, each on his own little farm. But many do not like farming, and do not know how to manage it, so they

are not very successful. The old men in the tribes, all over the West, mourn always over the scattering of their people, the fencing in of the wide plains, and the loss of the buffaloes. They grieve over the glories of the past days when the Indians were free. They can see no hope for the future. Some of these old warriors are so mournful over their loss of freedom that they say they will be glad when they go to the Sand Hills, where buffaloes and ponies are plentiful, or climb over the white pathway of the Milky Way to the Always-Summer Land.

APPENDIX

APPENDIX

BRIEF ANNOTATED BIBLIOGRAPHY OF BOOKS TOUCHING UPON MONTANA HISTORY

The object in preparing this brief annotated list was that of assisting teachers and librarians in Montana, especially in the smaller towns, in the purchase of books bearing upon the history of the State. The list is not at all complete, nor do the annotations profess to be either critical or scholarly. They are simply suggestive, intended to be used only as a general guide to the contents of the books commented upon.

Teachers and librarians who are interested in this subject will find of great value to them Bulletins Nos. 1 and 11, published in September, 1907, and 1908, respectively, by the Montana State Historical and Miscellaneous Library. No. 1 is an author catalogue of books on history in that library. No. 11 contains an outline for the study of the State's history, with a valuable reading list which includes not only printed books but manuscripts in the possession of the Society. Unless out of print, these can be obtained from the Librarian of the Montana State Historical Society at Helena.

Bancroft, Hubert Howe. History of the Northwest Coast, 1800–1846. 2 vols. San Francisco, 1884,

This very comprehensive work begins with the mystery of the Northwest, then outlines Spanish exploration from the south, Russian exploration from the north, and English explorations by Captain Cook and his successors. The early history of the entire Northwest is given up to the settlement of the Oregon question with the 49th parallel as the northern boundary of American possessions. This period includes, of course, the very early history of Montana during the time it was known only to traders, trappers, and the earliest missionaries. The exploration of the Rocky Mountains is given with reasonable degree of fulness, while one full chapter is given to the mountain ranges of America and the various routes across the continent to the Far West. Bibliography of authorities used occupies seventeen pages.

Bancroft, Hubert Howe. History of Washington, Idaho, and Montana, 1845–1889. San Francisco, 1890.

Only one hundred and twenty-five pages are given to a general history of Montana. Chapter I, in thirty pages, gives a brief account of the Territory from 1728 to 1862, when gold was discovered. This is partly a *résumé* of the material given in this author's "History of the Northwest Coast." This history of Montana, however, though very brief, is accurate.

Bancroft, Hubert Howe. Native Races of the Pacific States of North America. 5 vols. San Francisco, 1874.

Vol. I, Wild Tribes; Vol. II, Civilized Nations; Vol. III, Myths and Languages; Vol. IV, Antiquities; Vol. V, Primitive History. Volumes I and III have more or less information regarding the myths, languages, and tribes of Montana, but not nearly so much as on the tribes along the Columbia and on the Coast.

Bancroft, Hubert Howe. Popular Tribunals. 2 vols. San Francisco, 1887.

Only Volume I touches upon Montana. The work is a very complete survey of the pioneer conditions and frontier lawlessness which led to the organization of the Vigilantes. It covers not only the Northwest, but California and the Southwest as well. Out of 1,500 pages, only 47 are given to Montana, yet through the Index the career of Montana desperadoes may be traced in other communities. The chief authorities for the operations of Vigilantes in Montana are the early newspapers of the Territory and the writings of Langford or Dimsdale. Dimsdale has long been out of print, although there is a prospect of an early reprint of his book. For general reading, Langford is more satisfactory than Bancroft.

Chittenden, Hiram M. The American Fur Trade of the Far West; a history of the pioneer trading posts and early fur companies of the Missouri Valley and the Rocky Mountains, and of the overland commerce with Santa Fe. 3 vols. Frances P. Harper, New York. 1902. $10.00.

This is a complete, detailed history of the fur-trade, not only in its practical side, giving, as it does, copies of actual business papers and the annual profits in certain years, but also of the rivalry between the fur companies, the life at the forts, a list of all the forts in the Northwest with dates of founding and exact location. It also tells the personal experiences

of some of the better known "mountain men," such as Colter, Bridger, Sublette, Ashley, and others. The volumes are a mine of information upon all phases of the fur-trade.

CHITTENDEN, HIRAM M. History of the Early Steamboat Navigation on the Missouri River; Life and Adventures of Joseph LaBarge. 2 vols. Frances P. Harper, New York. 1903. $6.00.

The career of Captain LaBarge is used as a thread on which to string stirring events. A clear picture is given of the difficulties of Missouri River navigation on account of the "snags," the swift current, and in later years the constant danger from Indians. The importance of the fur-trade on the river, especially at Fort Benton and Fort Union, is well brought out. The book is one of the leading authorities on the river navigation, but it is not one which would appeal to young people or to the general reader.

DE SMET, PIERRE-JEAN, S. J. Life, Letters, and Travels of Father De Smet, 1801–1873. Edited by H. H. Chittenden and A. T. Richardson. 4 vols. Frances P. Harper, New York. 1905. $15.00.

From 1840, when he came in answer to the appeals of the Flatheads (Salish) for a "Black Robe," until 1870, Father De Smet spent most of his life in the Northwest, especially in what is now Montana. He was on friendly terms with all the Indians and upon intimate terms with many. When the Blackfeet were on the warpath, he was selected by the United States Government to open negotiations with them. Although his first interest was in the religious training of the Indians, Father De Smet had a keen eye for the beauties of the broad plains and of the rugged mountains, with unusual powers of description. Flowers, wild animals, especially the buffalo, and the still wilder Indians with their various habits and customs, methods of hunting, treatment of prisoners — all these came under his observation and are commented upon in his letters. He saw the country as it can never be seen again and his letters are historically of the greatest value.

DE SMET, PIERRE-JEAN, S. J. Western Missions and Missionaries: a Series of Letters. P. J. Kennedy. New York, 1859.

These letters are included in Chittenden's "Life, Letters, and Travels of Father De Smet," mentioned above. The date of issue shows that they are only the earlier letters.

GRINNELL, GEORGE BIRD. Blackfoot Lodge Tales. Chas. Scribner's Sons, N. Y. 1892. $1.75.

A book full of the legends and folk-tales of the Blackfoot Indians. The coyote, "Old Man," and the Sand Hills figure in nearly all of them. The tales are sympathetically told, and the Indian point of view is well brought out. The book is well written and thoroughly readable to any one interested either in Indians or in folk-lore.

HAMILTON, WILLIAM T. My Sixty Years on the Plains. Forest and Stream Pub. Co., New York. $1.50.

"Bill" Hamilton was one of the best-known traders in the mountains and a man who knew the sign language so well that the Indians said he knew all the signs they did and more too. The book is one which appeals to boys, passing from hand to hand with emphatic boyish approval. It is filled with hairbreadth escapes, Indian fights, dangers, and exciting episodes of every sort. It has been said that the story of Hamilton's life has lost nothing in the telling, to which answer has been made that it could lose a very great deal and still be a most thrilling tale.

HENRY, ALEXANDER, and THOMPSON, DAVID. More Light on the Early History of the Great Northwest. Manuscript journals of Alexander Henry, fur-trader of the Northwest Company, and of David Thompson, official geographer and explorer of the same company, 1799–1814. Exploration and adventure among the Indians on the Red, Saskatchewan, Missouri, and Columbia Rivers. Edited with copious critical comments by Elliott Coues. 3 vols. Frances P. Harper, New York. 1897. $10.00.

Alexander Henry the younger was one of the famous "Northmen," that is one of the partners of the Northwest Fur Company, whose adventures, covering as they do the period immediately following the Lewis and Clark Expedition, are of great value as a connecting-link to the better-known period which followed, the latter beginning about 1820. Out of a tangled maze of notes and journals the editor has secured a clear, straightforward account of Henry's experiences. Dr. Coues characterizes it as "an absolutely unvarnished tale." "Henry's disillusionment, his practical pessimism, his entire lack of imagination, and his insistence upon bare fact . . . have conspired to a singularly veracious contribution."

David Thompson was the discoverer of the sources of the Columbia, a pathfinder across the continent, and the greatest geographer of his day in British America.

Humfreville, Jacob Lee. Twenty Years among Our Savage Indians; a record of personal experiences, observations, and adventures among the Indians of the Wild West. 1897.

United States soldiers who were detailed for Indian fighting on the frontier had little love for the Indians. The traditional good Indian to them was the dead Indian. The author reflects this spirit throughout his book, although he makes an evident effort to be just. He records Indian ways of living, hunting, fighting, dying, simply as an outsider and without any effort to give a sympathetic interpretation from the Indian's point of view. The work could hardly be considered authoritative, although correct in its main outlines.

Irving, Washington. Astoria.

Irving, Washington. Captain Bonneville's Adventures.

Although for a time Irving was accused of straining after the picturesque in these two books of Western adventure, later investigations have proved him to be perfectly reliable in the pictures he has drawn of the Far West in the early days when mountain trading was at its height. For vividness and charm of language only Parkman can be compared to him. A new edition of these two books, under the title of "The Fur Traders of the Columbia River and the Rocky Mountains," has been issued by G. P. Putnam's Sons in one volume at ninety cents. Some additions have been made by the editor as well as some little rearrangement of material, so that it reads as one straight story and is of especial value to school children.

King, Captain Charles. Campaigning with Crook. Harper & Bros., N. Y. 1898. $1.25.

Captain King was campaigning with Crook when that General tried to reach the mouth of the Little Big Horn in time for the anticipated battle with the Sioux in 1876. He was too late to save Custer, but did energetic work in trying to overtake the escaping Indians. A good description of frontier warfare.

Langford, Nathaniel P. Vigilante Days and Ways. 2 vols. 1890.

This is a generally accepted authority on early mining days in Montana. The picture painted of the Vigilantes is a vivid one. This work is also published two volumes in one. See also note on Bancroft's "Popular Tribunals."

LARPENTEUR, CHARLES, Forty Years a Fur Trader of the Upper Missouri: the personal narrative of Charles Larpenteur, 1833–1872. Edited, with many critical notes, by Elliott Coues. 2 vols. Frances P. Harper, New York. 1898. $6.00.

"A notable and entirely novel contribution to our knowledge of the fur-trade of the upper Missouri by one who lived the life and worked his way through it from the position of a mere hand to that of one of its heads." The fur-trade "called out some of the best as well as the worst of human qualities," and Larpenteur sets them all down in his journal. Of great value to students of Montana history, but of little interest to young people or to the casual reader.

LAUT, AGNES C. Pathfinders of the West; being the thrilling story of the adventures of the men who discovered the great Northwest: Radisson, La Vérendrye, Lewis and Clark. Macmillan, New York. 1904. $2.00.

Particularly good for the story of La Vérendrye, the first white man ever known to have seen the Rocky Mountains in this section.

LAUT, AGNES C. Story of the Trapper. D. Appleton & Co., New York. 1902. $1.25.

The story of the trapper, as told by Miss Laut, includes the trappers of the Hudson Bay Company in the far North as well as those who came into the Rocky Mountains. It also includes the habits of the animals, one whole chapter being devoted to beavers, and a great deal of space to the wolverine. The book is not biographical, as a whole, although she tells the story of John Colter's race with the Blackfeet and gives other incidents from the lives of well-known trappers.

LEWIS, WILLIAM, and CLARK, MERIWETHER. Journals. History of the expedition under the command of Lewis and Clark to the source of the Missouri River, thence across the Rocky Mountains and down the Columbia River to the Pacific Ocean, performed during the years 1804–5–6 by order of the government of the United States.

Original manuscript journal and field notebooks of the explorers, together with a new biographical and bibliographical introduction and index by Elliott Coues. 4 vols. Frances P. Harper, New York. 1893. $12.50.

Lewis, William, and Clark, Meriwether. Journals. Reprinted from the Edition of 1814, with introduction and index by James K. Hosmer. 2 vols. A. C. McClurg & Co., Chicago. 1902. $5.00.

"An accurate reprint of the original Biddle text of 1814, now very rare." Thomas Jefferson's sketch of the life of Meriwether Lewis, written for the 1814 Edition, is retained. Facsimiles of the original maps are presented. The type is large, the whole book admirably well made. Spelling and punctuation are modern. Each chapter is prefaced with a detailed statement of its contents. A thoroughly practical and pleasing edition for general use.

Lewis, William, and Clark, Meriwether. Journals. History of the Expedition under the command of Captains Lewis and Clark to the sources of the Missouri, thence across the Rocky Mountains and down the river Columbia to the Pacific Ocean. . . A complete reprint of the Biddle edition of 1814, to which all members of the expedition contributed, with an account of the Louisiana Purchase, by Professor John Bach McMasters, and notes upon the route. 3 vols. Barnes, New York. 1904. $1.00 each.

Probably the best of the cheaper editions.

Lewis, William, and Clark, Meriwether. Journals. Original journals of the Lewis and Clark Expedition, 1804–1806; printed from the original manuscripts in the library of the American Philosophical Society, and by direction of its Committee on Historical Documents, together with manuscript material of Lewis and Clark from other sources, including notebooks, letters, maps, etc., and the journals of Charles Floyd and Joseph Whitehouse, now for the first time published in full and exactly as written. Edited, with introduction, notes, and index, by Reuben Gold Thwaites. 8 vols. Dodd, Mead & Co., New York. $60.00.

The original spelling, punctuation, and capitalization are given. The Index is very complete. Volume VIII is an atlas. This is without question the most complete edition and the one most satisfactory to historical students.

Montana Historical Society Contributions. 6 vols. Published by the Society, Helena, Montana.

These volumes are made up largely from articles or reminiscences contributed by the pioneers who themselves made the history of those

early days. They are of great value to any student of Montana history. Occasional contradictions of statement are found since the same incident is frequently related by two or more writers, yet there are none which would injure the genuine value of the "Contributions."

PALLADINO, LAWRENCE B., S. J. Indian and White in the Northwest; a History of Catholic Missions. 1894. $4.00.

The book is what it purports to be — the history of Catholic missions in the Northwest. As the earliest settlements, however, were the missions, the book has historical value since it portrays the difficulties of these settlements when the nearest sack of seed potatoes was three hundred miles away, over a rugged mountain range, and the nearest plough a thousand miles away on the Coast.

PARKMAN, FRANCIS. The Oregon Trail. Illustrated by Frederic Remington. Little, Brown & Co., Boston. $2.00.

For charm of language, vividness of description, and truthfulness of fact concerning pioneer conditions which have forever passed away, Parkman's "Oregon Trail" can never be equalled. It is well known to every schoolboy. Parkman himself did not follow this "Great Medicine Road of the Whites" beyond the Rocky Mountains and therefore did not in any way touch Montana, yet this book must be read to understand the story of the Trail.

Besides the edition mentioned above, Little, Brown & Co., and other publishers, issue the book in almost every form of binding, ranging in price from 75 cents to $4.00. The one illustrated by Remington, however, is unusually attractive in type, illustrations, and general make-up.

PARRISH, RANDALL. The Great Plains; the Romance of Western American Exploration, Warfare, and Settlement, 1527-1870. A. C. McClurg & Co., Chicago. 1908. $1.75.

A thoroughly interesting, readable book, correct in its broader outlines but not entirely accurate in details. Some surprising statements are made without quotation of authority, such as that concerning the pony expre s rider who "covered 380 miles without pause, through a region swarming with Indians on the warpath." Such a statement, and there are others equally daring, should have at least a foot-note. The book, however, as a whole, gives vigorous outlines of the danger and daring of the men who crossed the Great Plains and settled the West. Large, clear type and numerous illustrations make the book attractive.

RONAN, PETER. Historical Sketch of the Flathead Indian Nation. Helena, Mont.

The many faults, typographical and otherwise, of this little monograph are easily forgiven when it is understood that Major Ronan did not pretend to be a historian, but that as agent on the Flathead Reservation he made an effort to preserve as many facts as he could obtain concerning the Flathead tribe.

SCHAFER, JOSEPH. History of the Pacific Northwest. Macmillan & Co., New York. $1.25.

Like all other histories of the Northwest or of Old Oregon, this almost ignores the early history of Montana and confines itself strictly to the Pacific Northwest, as indicated in the title. Since a knowledge of the history of Old Oregon, however, is very necessary to a clear understanding of that of Montana, this history serves that purpose well. It is well printed, carefully written, and interesting.

SCHULTZ, J. W. My Life as an Indian. Edited by George Bird Grinnell. Doubleday, Page & Co., New York. $1.50.

Mr. Schultz when a very young man came to Montana for adventure. He enjoyed so thoroughly the wild, free life of the plains that he married a Blackfoot squaw, was adopted into the tribe, and to all intents and purposes became an Indian. His story is thoroughly interesting and probably accurate except as it idealizes the Blackfeet, the most savage of all the Montana tribes, and the inveterate enemy of the whites. He mourned as bitterly as any Indian the loss of the buffaloes and the coming of the white man.

SHIELDS, G. O. Battle of the Big Hole. Chicago. 1889.

This description of the Battle of the Big Hole was written only ten years after it occurred, by one of the officers engaged in it. Without exaggeration or pretence, it is a simply told but interesting account of the long tramp of the "walking soldiers" as they trailed after the Indians and the battle which followed.

STUART, GRANVILLE. Montana As It Is. 1866.

An interesting monograph on Montana as it was two years after the discovery of gold at Alder Gulch. The facts given, studied in connection with the journals of such men as Henry De Smet, and Larpenteur, assist in bringing to mind a vivid picture of early days. Several hundred Indian words with their meaning are given. The book is now out of print but will probably be reprinted.

THWAITES, REUBEN GOLD. Brief History of Rocky Mountain Exploration with Especial Reference to the Expedition of Lewis and Clark. D. Appleton & Co., New York. 1904. $1.25.

A short history, thoroughly reliable, of the early explorers in the Rocky Mountains.

THWAITES, REUBEN GOLD. Early Western Travels: a series of annotated reprints of some of the best and rarest contemporary volumes of travels . . . in the middle and far West during the period of early American settlement. 31 vols. A. H. Clark & Co., Cleveland. 1904–1905. $4.00, each.

Almost perfect in paper, type, and general make-up, and authoritative in every sense. Only the later volumes touch on the early history of Montana, and these include the travels of Maximilian and the letters of Father De Smet. The last two volumes of the set are given up to a very complete index.

VICTOR, MRS. FRANCES FULLER. River of the West. 1870.

A biography of Joseph[y] Meek, one of the most picturesque of the "mountain men" and unquestionably one of the best guides in the Northwest. Meek wandered from the Great Plains to the coast, but much of his trapping was done in the Rocky Mountains and many of his encounters with Indians were with the Montana tribes. The stories of fights with or escapes from Blackfeet, Sioux, and Crows are frequently told in the old trapper's own words. They are very effective in giving a realization of the dangers to which trappers were exposed. Boys would enjoy many of the stories from the book, but few would care to read the entire volume.

WHEELER, OLIN D. On the Trail of Lewis and Clark: A story of the great exploration of 1804–1806, with a description of the old trail, based upon actual travel over it and of the changes found a century later. 2 vols. G. P. Putnam's Sons, New York. 1904. $6.00.

In a most entertaining way, Mr. Wheeler follows the trail of Lewis and Clark, quoting frequently from the journals of the explorers with comments of his own upon the present location or condition of points of interest along the trail. He also includes many photographs of historic points in Montana, such as "Road Agents' Rock," near Bannack. Few conclusions reached by Mr. Wheeler have been disputed, so that the two volumes are authoritative. More than that, they are really fascinating and should be in every Montana library.

STATE CONSTITUTION OF MONTANA

Article I.— Boundaries.

Section 1. The boundaries of the State of Montana shall be as follows, to-wit: Beginning at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west on the forty-fifth degree of latitude to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south along the thirty-fourth degree of longitude, to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward to its intersection with the Bitter Root Mountains; thence northward along the crest of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary line of the British Possessions; thence eastward along that boundary line to the twenty-seventh degree of longitude west from Washington; thence southward along the twenty-seventh degree of longitude to the place of beginning.

Article II.— Military Reservations.

Section 1. Authority is hereby granted to and acknowledged in the United States to exercise exclusive legislation as provided by the Constitution of the United States, over the Military Reservations of Fort Assinaboine, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula, and Fort Shaw, as now established by law, so long as said places remain Military Reservations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the Legislative Assembly of the State of Montana: and the Legislative Assembly is authorized and directed to enact any law necessary or proper to give effect to this article.

Provided, That there be and is hereby reserved to the State the right to serve all legal process of the State, both civil and criminal, upon persons and property found within any of said reservations in all cases where the United States has not exclusive jurisdiction.

ARTICLE III.—A DECLARATION OF RIGHTS OF THE PEOPLE OF THE STATE OF MONTANA.

SECTION 1. All political power is vested in and derived from the people; all government of right originates with the people; is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 2. The people of the State have the sole and exclusive right of governing themselves, as a free, sovereign, and independent State, and to alter and abolish their constitution and form of government, whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to the Constitution of the United States.

SEC. 3. All persons are born equally free, and have certain natural, essential, and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties, of acquiring, possessing, and protecting property, and of seeking and obtaining their safety and happiness in all lawful ways.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed, and no person shall be denied any civil or political right or privilege on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, by bigamous or polygamous marriage, or otherwise, or justify practices inconsistent with the good order, peace, or safety of the State, or opposed to the civil authority thereof, or of the United States. No person shall be required to attend any place of worship or support any ministry, religious sect, or denomination, against his consent; nor shall any preference be given by law to any religious denomination or mode of worship.

SEC. 5. All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 6. Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property, or character; and that right and justice shall be administered without sale, denial, or delay.

SEC. 7. The people shall be secure in their persons, papers, homes, and effects, from unreasonable searches and seizures, and no warrant to search any place or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized, nor without probable cause, supported by oath or affirmation, reduced to writing.

SEC. 8. Criminal offences of which justices' courts and municipal and other courts, inferior to the district courts, have jurisdiction, shall, in all courts inferior to the district court, be prosecuted by complaint. All criminal actions in the district court, except those on appeal, shall be prosecuted by information, after examination and commitment, by a magistrate, or after leave granted by the court, or shall be prosecuted by indictment without such examination or commitment, or without such leave of the court. A grand jury shall consist of seven persons, of whom five must concur to find an indictment.

A grand jury shall only be drawn and summoned when the district judge thall in his discretion consider it necessary, and shall so order.

SEC. 9. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court; no person shall be attainted of treason or felony by the Legislative Assembly; no conviction shall work corruption of blood or forfeiture of estate: the estates of persons who may destroy their own lives shall descend or vest as in cases of natural death.

SEC. 10. No law shall be passed impairing the freedom of speech; every person shall be free to speak, write, or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel, the truth thereof may be given in evidence; and the jury, under the direction of the court, shall determine the law and the facts.

SEC. 11. No *ex post facto* law, nor law impairing the obligation of contracts, or making any irrevocable grant of special privileges, franchises, or immunities shall be passed by the Legislative Assembly.

SEC. 12. No person shall be imprisoned for debt except in the manner prescribed by law, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud.

SEC. 13. The right of any person to keep or bear arms in defence of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for, the owner.

SEC. 15. The use of all water now appropriated, or that may hereafter be appropriated for sale, rental, distribution, or other beneficial use, and the right of way over the lands of others, for all ditches, drains, flumes, canals, and aqueducts, necessarily used in connection therewith, as well as the sites for reservoirs necessary for collecting and storing the same, shall be held to be a public use. Private roads may be opened in the manner to be prescribed by law, but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited.

SEC. 16. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offence is alleged to have been committed, subject to the right of the State to have a change of venue for any of the causes for which the defendant may obtain the same.

SEC. 17. No person shall be imprisoned for the purpose of securing his testimony in any criminal proceeding longer than may be necessary in order to take his deposition. If he can give security for his appearance at the time of trial he shall be discharged upon giving the same; if he cannot give security, his deposition shall be taken in the manner prescribed by law, and in the presence of the accused and his counsel, or without their presence, if they shall fail to attend the examination after reasonable notice of the time and place thereof. Any deposition authorized by this Section may be received as evidence on the trial, if the witness shall be dead or absent from the State.

SEC. 18. No person shall be compelled to testify against himself, in a criminal proceeding, nor shall any person be twice put in jeopardy for the same offence.

SEC. 19. All persons shall be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great.

SEC. 20. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 21. The privilege of the writ of habeas corpus shall never be suspended, unless, in case of rebellion, or invasion, the public safety require it.

SEC. 22. The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house

without the consent of the owner, nor in time of war, except in the manner prescribed by law.

SEC. 23. The right of trial by jury shall be secured to all, and remain inviolate, but in all civil cases and in all criminal cases not amounting to felony, upon default of appearance or by consent of the parties, expressed in such manner as the law may prescribe, a trial by jury may be waived, or a trial had by any less number of jurors than the number provided by law. A jury in a justice's court, both in civil cases and in cases of criminal misdemeanor, shall consist of not more than six persons. In all civil actions and in all criminal cases not amounting to felony, two-thirds in number of the jury may render a verdict, and such verdict so rendered shall have the same force and effect as if all of such jury concurred therein.

SEC. 24. Laws for the punishment of crime shall be founded on the principles of reformation and prevention, but this shall not affect the power of the Legislative Assembly to provide for punishing offences by death.

SEC. 25. Aliens and denizens shall have the same right as citizens to acquire, purchase, possess, enjoy, convey, transmit, and inherit mines and mining property, and milling, reduction, concentrating and other works, and real property necessary for or connected with the business of mining and treating ores and minerals; *Provided*, That nothing herein contained shall be construed to infringe upon the authority of the United States to provide for the sale or disposition of its mineral and other public lands.

SEC. 26. The people shall have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

SEC. 27. No person shall be deprived of life, liberty, or property without due process of law.

SEC. 28. There shall never be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 29. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

SEC. 30. The enumeration in this Constitution of certain rights, shall not be construed to deny, impair, or disparage others retained by the people.

SEC. 31. No armed person or persons or armed body of men shall be brought into this State for the preservation of the peace or the suppres-

sion of domestic violence, except upon the application of the Legislative Assembly, or of the Governor when the Legislative Assembly cannot be convened.

Article IV.—Distribution of Powers.

Section 1. The powers of the government of this State are divided into three distinct departments: The Legislative, Executive, and Judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this Constitution expressly directed or permitted.

Article V.—Legislative Department.

Section 1. The legislative power shall be vested in a Senate and House of Representatives, which shall be designated, "The Legislative Assembly of the State of Montana."

Sec. 2. Senators shall be elected for the term of four years, and Representatives for the term of two years, except as otherwise provided in this Constitution.

Sec. 3. No person shall be a Representative who shall not have attained the age of twenty-one years, or a Senator who shall not have attained the age of twenty-four years, and who shall not be a citizen of the United States, and who shall not (for at least twelve months next preceding his election) have resided within the county or district in which he shall be elected.

Sec. 4. The Legislative Assembly of this State, until otherwise provided by law, shall consist of sixteen members of the Senate, and fifty-five members of the House of Representatives.

It shall be the duty of the first Legislative Assembly to divide the State into senatorial and representative districts, but there shall be no more than one Senator from each county. The Senators shall be divided into two classes. Those elected from odd-numbered districts shall constitute one class, and those elected from even-numbered districts shall constitute the other class; and when any additional Senator shall be provided for by law his class shall be determined by lot.

One-half of the Senators elected to the first Legislative Assembly shall hold office for one year, and the other half for three years; and it shall be determined by lot immediately after the organization of the

Senate, whether the Senators from the odd- or even-numbered districts shall hold for one or three years.

SEC. 5. Each member of the first Legislative Assembly, as a compensation for his services, shall receive six dollars for each day's attendance, and twenty cents for each mile necessarily travelled in going to and returning from the seat of government to his residence by the usually travelled route, and shall receive no other compensation, perquisite, or allowance whatsoever.

No session of the Legislative Assembly, after the first, which may be ninety days, shall exceed sixty days.

After the first session, the compensation of the members of the Legislative Assembly shall be as provided by law; *Provided*, That no Legislative Assembly shall fix its own compensation.

SEC. 6. The Legislative Assembly, except the first, shall meet at the seat of government at twelve o'clock, noon, on the first Monday of January, next succeeding the general election provided by law, and at twelve o'clock, noon, on the first Monday of January, of each alternate year thereafter, and at other times when convened by the Governor.

The term of service of the members thereof shall begin the next day after their election, until otherwise provided by law; *Provided*, That the first Legislative Assembly shall meet at the seat of government upon the proclamation of the Governor after the admission of the State into the Union, upon a day to be named in said proclamation, and which shall not be more than fifteen nor less than ten days after the admission of the State into the Union.

SEC. 7. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office under the State; and no member of Congress, or other person holding an office (except Notary Public, or in the militia) under the United States or this State, shall be a member of either house during his continuance in office.

SEC. 8. No member of either house shall, during the term for which he shall have been elected, receive any increase of salary or mileage under any law passed during such term.

SEC. 9. The Senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members President, *pro tempore*. The House of Representatives shall elect one of its members Speaker. Each house shall choose its other officers, and shall judge of the elections, returns, and qualifications of its members.

SEC. 10. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 11. Each house shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribe or private solicitation; and with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary for the Legislative Assembly of a free State.

A member expelled for corruption shall not thereafter be eligible to either house of the Legislative Assembly; and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offence.

SEC. 12. Each house shall keep a journal of its proceedings and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question, shall, at the request of any two members, be entered on the journal.

SEC. 13. The sessions of each house and of the committees of the whole shall be open, unless the business is such as requires secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 15. The members of the Legislative Assembly shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 16. The sole power of impeachment shall vest in the House of Representatives; the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be tried by the Senate sitting for that purpose, and the Senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieutenant Governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

SEC. 17. The Governor and other State and judicial officers, except justices of the peace, shall be liable to impeachment for high crimes and

misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust, or profit under the laws of the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

SEC. 18. All officers not liable to impeachment shall be subject to removal for miconduct or malfeasance in office, in such manner as may be provided by law.

SEC. 19. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

SEC. 20. The enacting clause of every law shall be as follows: "Be it enacted by the Legislative Assembly, of the State of Montana."

SEC. 21. No bill for the appropriation of money, except for the expenses of the government, shall be introduced within ten days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced.

SEC. 22. No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

SEC. 23. No bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 24. No bill shall become a law except by a vote of a majority of all the members present in each house, nor unless on its final passage, the vote be taken by ayes and noes, and the names of those voting be entered on the journal.

SEC. 25. No law shall be revised or amended, or the provisions thereof extended, by reference to its title only, but so much thereof as is revised, amended, or extended shall be re-enacted and published at length.

SEC. 26. The Legislative Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering, or working roads or highways; vacating roads, town plats, streets, alleys, or public grounds; locating or changing county seats; regulating county or township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties

of justices of the peace, police magistrates, or constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age: for limitation of civil actions, or giving effect to informal or invalid deeds; summoning or impanelling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridges or toll roads; chartering banks, insurance companies, and loan and trust companies; remitting fines, penalties, or forfeitures; creating, increasing, or decreasing fees, percentages, or allowances of public officers; changing the law of descent; granting to any corporation, association, or individual the right to lay down railroad tracks, or any special or exclusive privilege, immunity, or franchise whatever; for the punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors, or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the State treasury; relinquishing or extinguishing in whole or in part the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein; exempting property from taxation; restoring to citizenship persons convicted of infamous crimes; authorizing the creation, extension, or impairing of liens; creating offices, or prescribing the powers or duties of officers in counties, cities, township or school districts; or authorizing the adoption or legitimation of children. In all other cases where a general law can be made applicable, no special law shall be enacted.

Sec. 27. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislative Assembly, immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

Sec. 28. The Legislative Assembly shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made from the State treasury, or be in any way authorized to any such person, except to an acting officer or employee elected or appointed in pursuance of law.

Sec. 29. No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services

shall have been rendered or contract made, nor providing for the payment of any claim made against the State, without previous authority of law, except as may be otherwise provided herein.

SEC. 30. All stationery, printing, paper, fuel, and lights used in the legislative and other departments of government, shall be furnished, and the printing and binding and distribution of the laws, journals, and department reports and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the Legislative Assembly, and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor and State Treasurer.

SEC. 31. Except as otherwise provided in this Constitution, no law shall extend the term of any public officer, or increase or diminish his salary or emolument after his election or appointment: *Provided*, That this shall not be construed to forbid the Legislative Assembly from fixing the salaries or emoluments of those officers first elected or appointed under this Constitution, where such salaries or emoluments are not fixed by this Constitution.

SEC. 32. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments, as in the case of other bills.

SEC. 33. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the legislative, executive, and judicial departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 34. No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof, except interest on the public debt.

SEC. 35. No appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

SEC. 36. The Legislative Assembly shall not delegate to any special commission, private coporation, or association, any power to make, supervise, or interfere with any municipal improvements, money, property, or

effects, whether held in trust or otherwise, or to levy taxes, or to perform any municipal functions whatever.

SEC. 37. No act of the Legislative Assembly shall authorize the investment of trust funds by executors, administrators, guardians, or trustees in the bonds or stock of any private corporation.

SEC. 38. The Legislative Assembly shall have no power to pass any law authorizing the State, or any county in the State, to contract any debt or obligation in the construction of any railroad, nor give or loan its credit to, or in aid of, the construction of the same.

SEC. 39. No obligation or liability of any person, association, or corporation, held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, or postponed, or in any way diminished by the Legislative Assembly; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

SEC. 40. Every order, resolution, or vote, in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the Governor, and before it shall take effect be approved by him, or, being disapproved, be repassed by two-thirds of both houses, as prescribed in the case of a bill.

SEC. 41. If any person elected to either house of the Legislative Assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or proposed to be introduced into the Legislative Assembly, in consideration or upon condition that any other person elected to the same Legislative Assembly will give, or will promise or assent to give, his vote or influence, in favor of or against any other measure or proposition pending or proposed to be introduced into such Legislative Assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the Legislative Assembly shall give his vote or influence for or against any measure or proposition pending or proposed to be introduced in such Legislative Assembly, or offer, promise, or assent so to, upon condition that any other member will give, or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such Legislative Assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such Legislative Assembly, he shall be deemed guilty of bribery, and any member of the Legislative Assembly, or

person elected thereto, who shall be guilty of either such offences, shall be expelled and shall not thereafter be eligible to the Legislative Assembly, and on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

SEC. 42. Any person who shall directly or indirectly offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislative Assembly, to influence him in the performance of any of his official or public duties, shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 43. The offence of corrupt solicitation of members of the Legislative Assembly, or of public officers of the State, or of any municipal division thereof, and the occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punishable by fine and imprisonment.

SEC. 44. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislative Assembly shall disclose the fact to the house of which he is a member, and shall not vote thereon.

SEC. 45. When vacancies occur in either house the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill the same.

ARTICLE VI.—APPORTIONMENT AND REPRESENTATION.

SECTION 1. One Representative in the Congress of the United States shall be elected from the State at large, the first Tuesday in October, 1889, and thereafter at such times and places, and in such manner, as may be prescribed by law. When a new apportionment shall be made by Congress the Legislative Assembly shall divide the State into congressional districts accordingly.

SEC. 2. The Legislative Assembly shall provide by law for an enumeration of the inhabitants of the State in the year 1895 and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Representatives on the basis of such enumeration, according to ratios to be fixed by law.

SEC. 3. Representative districts may be altered from time to time as public convenience may require. When a Representative district

shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of Representative districts.

Sec. 4. Whenever new counties are created, each of said counties shall be entitled to one Senator, but in no case shall a Senatorial district consist of more than one county.

Sec. 5. The Senatorial districts of the State shall be constituted and numbered as follows:

(Here follows a list of the counties in the State with the number of Senators to which each is entitled.)

Article VII.— Executive Department.

Section 1. The Executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, State Auditor, and Superintendent of Public Instruction, each of whom shall hold his office for four years, or until his successor is elected and qualified, beginning on the first Monday of January next succeeding his election, except that the terms of office of those who are elected at the first election shall begin when the State shall be admitted into the Union, and shall end on the first Monday of January, A. D. 1893. The officers of the Executive department, excepting the Lieutenant Governor, shall during their terms of office reside at the seat of government, where they shall keep the public records, books, and papers. They shall perform such duties as are prescribed in this Constitution and by the laws of the State. The State Treasurer shall not be eligible to his office for the succeeding term.

Sec. 2. The officers provided for in Section 1 of this Article shall be elected by the qualified electors of the State at the time and place of voting for members of the Legislative Assembly, and the persons respectively having the highest number of votes for the office voted for shall be elected; but if two or more shall have an equal and the highest number of votes for any one of said offices, the two houses of the Legislative Assembly, at its next regular session, shall forthwith, by joint ballot, elect one of such persons for said office. The returns of election for the officers named in Section 1 shall be made in such manner as may be prescribed by law, and all contested elections of the same, other than provided for in this Section, shall be determined as may be prescribed by law.

Sec. 3. No person shall be eligible to the office of Governor, Lieutenant Governor, or Superintendent of Public Instruction, unless he shall

have attained the age of thirty years at the time of his election, nor to the office of Secretary of State, State Auditor, or State Treasurer, unless he shall have attained the age of twenty-five years, nor to the office of Attorney General, unless he shall have attained the age of thirty years, and have been admitted to practice in the Supreme Court of the State, or Territory of Montana, and be in good standing at the time of his election. In addition to the qualifications above prescribed, each of the officers named shall be a citizen of the United States, and have resided within the State or Territory two years next preceding his election.

SEC. 4. Until otherwise provided by law, the Governor, Secretary of State, State Auditor, Treasurer, Attorney General, and Superintendent of Public Instruction, shall quarterly as due, during their continuance in office, receive for their services compensation, which is fixed as follows:

Governor, five thousand dollars per annum;

Secretary of State, three thousand dollars per annum;

Attorney General, three thousand dollars per annum;

State Treasurer, three thousand dollars per annum;

State Auditor, three thousand dollars per annum;

Superintendent of Public Instruction, two thousand five hundred dollars per annum.

The Lieutenant Governor shall receive the same per diem as may be prescribed by law for the Speaker of the Legislative Assembly, to be allowed only during the sessions of the Legislative Assembly.

The compensation enumerated shall be in full for all services by said officers, respectively rendered in any official capacity or employment whatever during their respective terms of office, and the salary of no official shall be increased during his term of office. No officer named in this Section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance by any officer of any official duty, shall be collected in advance, and deposited with the State Treasurer quarterly to the credit of the State. No officer mentioned in this Section shall be eligible to, or hold, any other public office, except member of the State Board of Education, during his term of office.

SEC. 5. The supreme executive power of the State shall be vested in the Governor, who shall see that the laws are faithfully executed.

SEC. 6. The Governor shall be Commander-in-Chief of the militia forces of the State, except when these forces are in the actual service of the United States, and shall have power to call out any part or the whole of

said forces to aid in the execution of the laws, to suppress insurrection, or to repel invasion.

SEC. 7. The Governor shall nominate, and by and with the consent of the Senate appoint, all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If during a recess of the Senate a vacancy occur in any such office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of Secretary of State, State Auditor, State Treasurer, Attorney General, or Superintendent of Public Instruction shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified.

SEC. 8. The Legislative Assembly shall provide for a State Examiner, who shall be appointed by the Governor and confirmed by the Senate. His duty shall be to examine the accounts of State Treasurer, Supreme Court Clerks, District Court Clerks, and all County Treasurers, and Treasurers of such other public institutions as may be prescribed by law, and he shall perform such other duties as the Legislative Assembly may prescribe. He shall report at least once a year, and oftener if required, to such officers as may be designated by the Legislative Assembly. His compensation shall be fixed by law.

SEC. 9. The Governor shall have the power to grant pardons, absolute and conditional, and to remit fines and forfeitures, and to grant commutation of punishments and respites after conviction and judgment for any offences committed against the criminal laws of this State; *Provided however*, That before granting pardons, remitting fines and forfeitures, or commuting punishments, the action of the Governor concerning the same shall be approved by a Board, or a majority thereof, composed of the Secretary of State, Attorney General, and State Auditor, who shall be known as the Board of Pardons. The Legislative Assembly shall by law prescribe the sessions of said Board, and regulate the proceedings thereof. But no fine or forfeitures shall be remitted, and no commutation or pardon granted, except upon the approval of a majority of said Board, after a full hearing in open session, and until notice of the time and place of such hearing, and of the relief sought, shall have been given by publication in some newspaper of general circulation in the county where the crime was committed, at least once a week for two weeks. The proceedings and

decisions of the Board shall be reduced to writing, and, with their reasons for their action in each case, and the dissent of any member who may disagree, signed by them and filed, with all papers used upon the hearing, in the office of the Secretary of State. The Governor shall communicate to the Legislative Assembly, at each regular session, each case of remission of fine or forfeiture, reprieve, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of remission, commutation, pardon, or reprieve, with the reasons for granting the same and the objections, if any, of any member of the Board made thereto.

SEC. 10. The Governor may require information in writing from the officers of the Executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing, at any time, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices and institutions, and may, at any time he deems it necessary, appoint a committee to investigate and report to him upon the condition of any executive office or State institution. The Governor shall, at the beginning of each session, and from time to time, by message, give to the Legislative Assembly information of the State, and shall recommend such measures as he shall deem expedient. He shall also send to the Legislative Assembly a statement with vouchers of the expenditures of all moneys belonging to the State and paid out by him. He shall also at the beginning of each session present estimates of the amount of money required to be raised by taxation for all purposes of the State.

SEC. 11. He may on extraordinary occasions convene the Legislative Assembly by proclamation, stating the purposes for which it is convened; but when so convened, it shall have no power to legislate on any subjects other than those specified in the proclamation, or which may be recommended by the Governor, but may provide for the expenses of the session and other matters incidental thereto. He may also, by proclamation, convene the Senate in extraordinary session for the transaction of Executive business.

SEC. 12. Every bill passed by the Legislative Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it originated,

which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present in that house, it shall become a law notwithstanding the objections of the Governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislative Assembly shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislative Assembly, unless approved by the Governor within fifteen days after such adjournment. In case the Governor shall fail to approve of any bill after the final adjournment of the Legislative Assembly, it shall be filed, with his objections, in the office of the Secretary of State.

SEC. 13. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall become a law, and the item or items disapproved shall be void, unless enacted in the manner following: If the Legislative Assembly be in session he shall, within five days, transmit to the house in which the bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 14. In case of the failure to qualify, the impeachment, or conviction of felony or infamous crime of the Governor, or his death, removal from office, resignation, absence from the State, or inability to discharge the powers and duties of his office, the powers, duties, and emoluments of the office, for the residue of the term, or until the disability shall cease, shall devolve upon the Lieutenant Governor.

SEC. 15. The Lieutenant Governor shall be President of the Senate, but shall vote only when the Senate is equally divided. In case of the absence or disqualification of the Lieutenant Governor, from any cause which applies to the Governor, or when he shall hold the office of Governor, then the president *pro tempore* of the Senate shall perform the duties of the Lieutenant Governor until the vacancy is filled or the disability removed.

SEC. 16 In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of felony or infamous crime, or disqualification from any cause, of both the Governor and the Lieutenant Governor, the duties of the Governor shall devolve upon the president *pro tempore* of the Senate until such disqualification of either the Governor or Lieutenant Governor be removed, or the vacancy filled, and if the president *pro tempore* of the Senate, for any of the above-named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House.

SEC. 17. The first Legislative Assembly shall provide a seal for the State, which shall be kept by the Secretary of State and used by him officially, and known as the Great Seal of the State of Montana.

SEC. 18. All grants and commissions shall be in the name and by the authority of the State of Montana, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 19. An account shall be kept by the officers of the Executive department, and of all public institutions of the State, of all moneys received by them, severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report hereof shall be made to the Governor, under oath; they shall also, at least twenty days preceding each regular session of the Legislative Assembly, make full and complete reports of their official transactions to the Governor, who shall transmit the same to the Legislative Assembly.

SEC. 20. The Governor, Secretary of State, and Attorney General shall constitute a Board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State prisons as may be prescribed by law. They shall constitute a Board of Examiners, with power to examine all claims against the State, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claims against the State, except for salaries and compensation of officers fixed by law, shall be passed upon by the Legislative Assembly without first having been considered and acted upon by said Board. The Legislative Assembly may provide for the temporary suspension of the State Treasurer by the Governor, when the Board of Examiners deem such action necessary for the protection of the moneys of the State.

Article VIII.— Judicial Departments.

Section 1. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, in a Supreme Court, District Courts, Justices of the Peace, and such other inferior courts as the Legislative Assembly may establish in any incorporated city or town.

Sec. 2. The Supreme Court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, and shall have a general supervisory control over all inferior courts, under such regulations and limitations as may be prescribed by law.

Sec. 3. The appellate jurisdiction of the Supreme Court shall extend to all cases at law and in equity, subject, however, to such limitations and regulations as may be prescribed by law. Said court shall have power in its discretion to issue and to hear and determine writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, and injunction, and such other original and remedial writs as may be necessary or proper to complete exercise of its appellate jurisdiction. When a jury is required in the Supreme Court to determine an issue of fact, said court shall have power to summon such jury in such manner as may be provided by law. Each of the justices of the Supreme Court shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of, any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court of the State or any judge thereof, and such writs may be heard and determined by the justice, or court, or judge, before whom they are made returnable. Each of the justices of the Supreme Court may also issue and hear and determine writs of certiorari in proceedings for contempt in the District Court, and such other writs as he may be authorized by law to issue.

Sec. 4. At least three terms of the Supreme Court shall be held each year at the seat of government.

Sec. 5.* The Supreme Court shall consist of three justices, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said justices may adjourn the court from day to day, or to a day certain; and the Legislative Assembly shall have the power to increase the number of said justices to not less nor more than five. In case any justice or justices of the Supreme Court shall be in any way disqualified to sit in a cause brought before the court, the remaining

*Approved March 7, 1899.

justice or justices shall have power to call on one or more of the District Judges of this State, as in the particular case may be necessary, to constitute the full number of justices of which the said court shall then be composed, to sit with them in the hearing of said cause. In all cases where a district judge is invited to sit and does sit as by this Section provided, the decision and the opinion of such district judge shall have the same force and effect in any cause heard before the court as if regularly participated in by a justice of the Supreme Court.

SEC. 6. The justices of the Supreme Court shall be elected by electors of the State at large, as hereinafter provided.

SEC. 7. The term of office of the justices of the Supreme Court, except as in this Constitution otherwise provided, shall be six years.

SEC. 8. There shall be elected at the first general election provided for by this Constitution, one chief justice and two associate justices of the Supreme Court. At said first election the chief justice shall be elected to hold his office until the general election in the year one thousand eight hundred ninety-two (1892), and one of the associate justices to hold his office until the general election in the year one thousand eight hundred ninety-four (1894), and the other associate justice to hold his office until the general election in the year one thousand eight hundred ninety-six (1896), and each shall hold until his successor is elected and qualified. The terms of office of said justices, and which one shall be chief justice, shall at the first and all subsequent elections be designated by ballot. After said first election one chief justice or one associate justice shall be elected at the general election every two years, commencing in the year one thousand eight hundred ninety-two (1892), and if the Legislative Assembly shall increase the number of justices to five, the first terms of office of such additional justices shall be fixed by law in such manner that at least one of the five justices shall be elected every two years. The chief justice shall preside at all sessions of the Supreme Court, and in case of his absence, the associate justice having the shortest term to serve shall preside in his stead.

SEC. 9. There shall be a clerk of the Supreme Court, who shall hold his office for the term of six years, except that the clerk first elected shall hold his office only until the general election in the year one thousand eight hundred ninety-two (1892), and until his successor is elected and qualified. He shall be elected by the electors at large of the State, and his compensation shall be fixed by law, and his duties prescribed by law, and by the rules of the Supreme Court.

SEC. 10. No person shall be eligible to the office of justice of the Supreme Court, unless he shall have been admitted to practise law in the Supreme Court of the Territory or State of Montana, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in said Territory or State at least two years next preceding his election.

DISTRICT COURTS.

SEC. 11. The District Court shall have original jurisdiction in all cases at law and in equity including all cases which involve the title or right of possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all cases in which the debt, damage, claim, or demand, exclusive of interest, or the value of the property in controversy, exceeds fifty dollars; and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for; of actions of forcible entry and unlawful detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of actions of divorce and for annulment of marriage, and for all such special actions and proceedings as are not otherwise provided for. And said courts shall have the power of naturalization, and to issue papers therefor, in all cases where they are authorized so to do by the laws of the United States. They shall have appellate jurisdiction in such cases arising in justices' and other inferior courts in their respective districts as may be prescribed by law, and consistent with this Constitution. Their process shall extend to all parts of the State, provided that all actions for the recovery of, the possession of, quieting the title to, or for the enforcement of liens upon real property, shall be commenced in the county in which the real property, or any part thereof, affected by such action or actions, is situated. Said courts and the judges thereof shall have power also to issue, hear, and determine writs of mandamus, quo warranto, certiorari, prohibition, injunction, and other original and remedial writs, and also all writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts. Injunctions, writs of prohibition and habeas corpus, may be issued and served on legal holidays and non-judicial days.

SEC. 12. The State shall be divided into judicial districts, in each of which there shall be elected by the electors thereof one judge of the District Court, whose term of office shall be four years, except that the district judges first elected shall hold their offices only until the general election in

the year one thousand eight hundred and ninety-two (1892), and until their successors are elected and qualified. Any judge of the District Court may hold court for any other district judge, and shall do so when required by law.

Sec. 13. Until otherwise provided by law the judicial districts of the State shall be constituted as follows; First district, Lewis and Clark County; Second district, Silver Bow County; Third district, Deer Lodge County; Fourth district, Missoula County; Fifth district, Beaverhead, Jefferson, and Madison Counties; Sixth district, Gallatin, Park, and Meagher Counties; Seventh district, Yellowstone, Custer, and Dawson Counties; Eighth district, Choteau, Cascade, and Fergus Counties.

Sec. 14. The Legislative Assembly may increase or decrease the number of judges in any judicial district; *Provided*, that there shall be at least one judge in any district established by law; and may divide the State, or any part thereof, into new districts; *Provided*, that each be formed of compact territory and be bounded by county lines, but no changes in the number or boundaries or districts shall work a removal of any judge from office during the term for which he has been elected or appointed.

Sec. 15. Writs of error and appeals shall be allowed from the decisions of the said District Courts to the Supreme Court under such regulations as may be prescribed by law.

Sec. 16. No person shall be eligible to the office of judge of the District Court unless he be at least twenty-five years of age and a citizen of the United States, and shall have been admitted to practise law in the Supreme Court of the Territory or State of Montana, nor unless he shall have resided in this State or Territory at least one year next preceding his election. He need not be a resident of the district for which he is elected at the time of his election, but after his election he shall reside in the district for which he is elected during his term of office.

Sec. 17. The District Court in each county which is a Judicial District by itself shall be always open for the transaction of business, except on legal holidays and non-judicial days. In each district where two or more counties are united, until otherwise provided by law, the judges of such district shall fix the term of court, provided that there shall be at least four terms a year held in each county.

Sec. 18. There shall be a clerk of the District Court in each county, who shall be elected by the electors of his county. The clerk shall be elected at the same time and for the same term as the district judge. The duties and compensation of the said clerk shall be as provided by law.

COUNTY ATTORNEYS.

SEC. 19. There shall be elected at the general election in each county of the State one county attorney, whose qualifications shall be the same as are required for a judge of the District Court, except that he must be over twenty-one years of age, but need not be twenty-five years of age, and whose term of office shall be two years, except that the county attorneys first elected shall hold their offices until the general election in the year one thousand eight hundred and ninety-two (1892), and until their successors are elected and qualified. He shall have a salary to be fixed by law, one-half of which shall be paid by the State, and the other half by the county for which he is elected, and he shall perform such duties as may be required by law.

JUSTICES OF THE PEACE.

SEC. 20. There shall be elected in each organized township of each county by the electors of such township at least two justices of the peace, who shall hold their offices, except as otherwise provided in this Constitution, for the term of two years. Justices' courts shall have such original jurisdiction within their respective counties as may be prescribed by law, except as in this Constitution otherwise provided: *Provided*, That they shall not have jurisdiction in any case where the debt, damage, claim, or value of the property involved exceeds the sum of three hundred dollars.

SEC. 21. Justices' courts shall not have jurisdiction in any case involving the title or right of possession of real property, nor in cases of divorce, nor for annulment of marriage, nor of cases in equity; nor shall they have power to issue writs of habeas corpus, mandamus, certiorari, quo warranto, injunction, or prohibition, nor the power of naturalization; nor shall they have jurisdiction in cases of felony, except as examining courts; nor shall criminal cases in said courts be prosecuted by indictment; but said courts shall have such jurisdiction in criminal matters, not of the grade of felony, as may be provided by law; and shall also have concurrent jurisdiction with the District Courts, in cases of forcible entry and unlawful detainer.

SEC. 22. Justices' courts shall always be open for the transaction of business, except on legal holidays and non-judicial days.

SEC. 23. Appeals shall be allowed from justices' courts in all cases, to the District Courts, in such manner and under such regulations as may be prescribed by law.

POLICE AND MUNICIPAL COURTS.

SEC. 24. The Legislative Assembly shall have power to provide for creating such police and municipal courts and magistrates for cities and towns as may be deemed necessary from time to time, which shall have jurisdiction in all cases arising under the ordinances of such cities and towns, respectively; such police magistrates may also be constituted *ex officio* justices of the peace for their respective counties.

SEC. 25. The Supreme and District Courts shall be courts of record.

SEC. 26. All laws relating to courts shall be general and of uniform operation throughout the State; and the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law, shall be uniform.

SEC. 27. The style of all process shall be "The State of Montana," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 28. There shall be but one form of civil action, and law and equity may be administered in the same action.

SEC. 29. The justices of the Supreme Court and the judges of the District Courts shall each be paid quarterly by the State, a salary, which shall not be increased or diminished during the terms for which they shall have been respectively elected. Until otherwise provided by law, the salary of the justices of the Supreme Court shall be four thousand dollars per annum each, and the salary of the judges of the District Courts shall be three thousand five hundred dollars per annum each.

SEC. 30. No justice of the Supreme Court nor judge of the District Court shall accept or receive any compensation, fee, allowance, mileage, perquisite, or emolument for or on account of his office in any form whatever, except the salary provided by law.

SEC. 31. No justice or clerk of the Supreme Court, nor judge or clerk of any District Court, shall act or practise as an attorney, or counsellor at law in any court of this State during his continuance in office.

SEC. 32. The Legislative Assembly may provide for the publication of decisions and opinions of the Supreme Court.

SEC. 33. All officers provided for in this Article, excepting justices of the Supreme Court, who shall reside within the State, shall respectively reside during their term of office in the district, county, township, precinct, city, or town for which they may be elected or appointed.

SEC. 34. Vacancies in the office of justice of the Supreme Court, or judge of the District Court, or clerk of the Supreme Court, shall be filled by appointment, by the Governor of the State, and vacancies in the offices of county attorneys, clerk of the District Court, and justices of the peace shall be filled by appointment by the Board of County Commissioners of the county where such vacancy occurs. A person appointed to fill any such vacancy shall hold his office until his successor is elected and qualified. A person elected to fill a vacancy shall hold office until the expiration of the term for which the person he succeeds was elected.

SEC. 35. No justice of the Supreme Court or district judge shall hold any other public office while he remains in the office to which he has been elected or appointed.

SEC. 36. A civil action in the District Court may be tried by a judge *pro tempore*, who must be a member of the bar of the State, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause; and in such case any order, judgment, or decree, made or rendered therein by such judge *pro tempore*, shall have the same force and effect as if made or rendered by the court with the regular judge presiding.

SEC. 37. Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office.

ARTICLE IX.—RIGHTS OF SUFFRAGE AND QUALIFICATIONS TO HOLD OFFICE.

SECTION 1. All elections of the people shall be by ballot.

SEC. 2. Every male person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people, and upon all questions which may be submitted to the vote of the people: First, he shall be a citizen of the United States; second, he shall have resided in this State one year immediately preceding the election at which he offers to vote, and in the town, county, or precinct such time as may be prescribed by law; *Provided*, first, that no person convicted of felony shall have the right to vote unless he has been pardoned; *Provided*, second, that nothing herein contained shall be construed to deprive any person of the right to vote who had such right at the time of the adoption of this Constitution; *Provided*, that after the expiration of five

years from the time of the adoption of this Constitution no person except citizens of the United States shall have the right to vote.

SEC. 3. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the State, or of the United States, nor while a student at any institution of learning, nor while kept at any alms-house or other asylum at the public expense, nor while confined in any public prison.

SEC. 4. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom.

SEC. 5. No elector shall be obliged to perform military duty on the days of election, except in time of war or public danger.

SEC. 6. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed at any military or naval place within the same.

SEC. 7. No person shall be elected or nominated to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State at least one year next before his election or appointment.

SEC. 8. No idiot or insane person shall be entitled to vote at any election in this State.

SEC. 9. The Legislative Assembly shall have the power to pass a registration and such other laws as may be necessary to secure the purity of elections and guard against abuses of the elective franchise.

SEC. 10. Women shall be eligible to hold the office of county superintendent of schools or any school district office and shall have the right to vote at any school district election.

SEC. 11. Any person qualified to vote at general elections and for State officers in this State shall be eligible to any office therein except as otherwise provided in this Constitution, and subject to such additional qualifications as may be prescribed by the Legislative Assembly, for city offices and offices hereafter created.

SEC. 12. Upon all questions submitted to the vote of the tax-payers of the State, or any political division thereof, women who are tax-payers and possessed of the qualifications for the right of suffrage required of men by this Constitution shall equally, with men, have the right to vote.

SEC. 13. In all elections held by the people under this Constitution the person or persons who shall receive the highest number of legal votes shall be declared elected.

Article X.— State Institutions and Public Buildings.

Section 1. Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, deaf and mute, soldiers' home, and such other institutions as the public good may require, shall be established and supported by the State in such a manner as may be prescribed by law.

Sec. 2. At the general election in the year one thousand eight hundred and ninety-two, the question of permanent location of the seat of government is hereby provided to be submitted to the qualified electors of the State and the majority of all the votes upon said question shall determine the location thereof. In case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast shall be, and is hereby, submitted in like manner to the qualified electors at the next general election thereafter; *Provided*, that until the seat of government shall have been permanently located the temporary seat of government shall be and remain in the city of Helena.

Sec. 3. When the seat of government shall have been located as herein provided the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the State voting on that question at a general election at which the question of the location of the seat of government shall have been submitted by the Legislative Assembly.

Sec. 4. The Legislative Assembly shall make no appropriations or expenditures for capitol buildings or grounds until the seat of government shall have been permanently located, as herein provided.

Sec. 5. The several counties of the State shall provide, as may be prescribed by law, for those inhabitants, who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of society.

Article XI.— Education.

Section 1. It shall be the duty of the Legislative Assembly of Montana to establish and maintain a general, uniform, and thorough system of public, free common schools.

Sec. 2. The public school fund of the State shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the State by the General Government, known as school lands; and those granted in lieu of such; lands acquired by gift or grant from

any person or corporation under any law or grant of the General Government; and of all other grants of land or money made to the State from the General Government for general educational purposes, or where no other special purpose is indicated in such grant; all estates, or distributive shares of the estates that may escheat to the State; all unclaimed shares and dividends of any corporation incorporated under the laws of the State, and all other grants, gifts, devises, or bequests made to the State for general educational purposes.

SEC. 3. Such public school fund shall forever remain inviolate, guaranteed by the State against loss or diversion, to be invested, so far as possible, in public securities within the State, including school district bonds, issued for the erection of school buildings, under the restrictions to be provided by law.

SEC. 4. The Governor, Superintendent of Public Instruction, Secretary of State, and Attorney General shall constitute the State Board of Land Commissioners, which shall have the direction, control, leasing, and sale of the school lands of the State, and the lands granted or which may hereafter be granted for the support and benefit of the various State educational institutions, under such regulations and restrictions as may be prescribed by law.

SEC. 5. The interest on all invested school funds of the State, and all rents accruing from the leasing of any school lands, shall be apportioned to the several school districts of the State in proportion to the number of children and youths between the ages of six and twenty-one years, residing therein respectively, but no district shall be entitled to such distributive share that does not maintain a public free school for at least three months during the year for which distributions shall be made.

SEC. 6. It shall be the duty of the Legislative Assembly to provide by taxation, or otherwise, sufficient means, in connection with the amount received from the general school fund, to maintain a public, free common school in each organized district in the State, for at least three months in each year.

SEC. 7. The public free schools of the State shall be open to all children and youths between the ages of six and twenty-one years.

SEC. 8. Neither the Legislative Assembly, nor any county, city, town, or school district, or other public corporations, shall ever make, directly or indirectly, any appropriation, or pay from any public fund or moneys whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any

school, academy, seminary, college, university, or other literary, scientific institution, controlled in whole or in part by any church, sect, or denomination whatever.

SEC. 9. No religious or partisan test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State, either as teacher or student; nor shall attendance be required at any religious service whatever, nor shall any sectarian tenets be taught in any public educational institution of the State; nor shall any person be debarred admission to any of the collegiate departments of the university on account of sex.

SEC. 10. The Legislative Assembly shall provide that all elections for school district officers shall be separate from those elections at which State or county officers are voted for.

SEC. 11. The general control and supervision of the State University and the various other State educational institutions shall be vested in a State Board of Education, whose powers and duties shall be prescribed and regulated by law. The said board shall consist of eleven members, the Governor, State Superintendent of Public Instruction, and Attorney General, being members *ex officio*, the other eight members thereof shall be appointed by the Governor, subject to the confirmation of the Senate, under the regulations and restrictions to be provided by law.

SEC. 12. The funds of the State University and of all other State institutions of learning, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated. The various funds shall be respectively invested under such regulations as may be prescribed by law, and shall be guaranteed by the State against loss or diversion. The interest of said invested funds, together with the rents from leased lands or properties, shall be devoted to the maintenance and perpetuation of these respective institutions.

ARTICLE XII.—REVENUE AND TAXATION.

SECTION 1. The necessary revenue for the support and maintenance of the State shall be provided by the Legislative Assembly, which shall levy a uniform rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, except that specially provided for in this Article. The Legislative Assembly may also impose a license tax, both upon persons and upon corporations doing business in the State.

SEC. 2. The property of the United States, the State, counties, cities, towns, school districts, municipal corporations, and public libraries shall be exempt from taxation; and such other property as may be used exclusively for agricultural and horticultural societies, for educational purposes, places for actual religious worship, hospitals, and places of burial not used or held for private or corporate profit, and institutions of purely public charity may be exempt from taxation.

SEC. 3. All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal, or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim, is used for other than mining purposes, and has a separate and independent value for such other purposes, in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its value for such other purposes, as provided by law; and all machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of such mines or mining claims, and the annual net proceeds of all mines and mining claims, shall be taxed as provided by law.

SEC. 4. The Legislative Assembly shall not levy taxes upon the inhabitants or property in any county, city, town, or municipal corporation for county, town, or municipal purposes, but it may by law vest in the corporate authorities thereof powers to assess and collect taxes for such purposes.

SEC. 5. Taxes for city, town, and school purposes may be levied on all subjects and objects of taxation, but the assessed valuation of any property shall not exceed the valuation of the same property for State and county purposes.

SEC. 6. No county, city, town, or other municipal corporation, the inhabitants thereof nor the property therein, shall be released or discharged from their or its proportionate share of State taxes.

SEC. 7. The power to tax corporations or corporate property shall never be relinquished or suspended, and all corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal, and other purposes, on real and personal property owned or used by them and not by this Constitution exempted from taxation.

SEC. 8. Private property shall not be taken or sold for the corporate debts of public corporations, but the Legislative Assembly may provide

by law for the funding thereof, and shall provide by law for the payment thereof, including all funded debts and obligations, by assessment and taxation of all private property not exempt from taxation within the limits of the territory over which such corporations respectively have authority.

SEC. 9. The rate of taxation of real and personal property for State purposes in any one year shall never exceed three (3) mills on each dollar of valuation; and whenever the taxable property in the State shall amount to one hundred million dollars ($100,000,000), the rate shall not exceed two and one-half (2½) mills on each dollar of valuation; and whenever the taxable property in the State shall amount to three hundred million dollars ($300,000,000), the rate shall never exceed one and one-half (1½) mills on each dollar of valuation; unless a proposition to increase such rate, specifying the rate proposed and the time during which the same shall be levied, shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at such election.

SEC. 10. All taxes levied for State purposes shall be paid into the State treasury, and no money shall be drawn from the treasury but in pursuance of specific appropriations made by law.

SEC. 11. Taxes shall be levied and collected by general laws and for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax.

SEC. 12. No appropriation shall be made or any expenditures authorized by the Legislative Assembly whereby the expenditures of the State during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the Legislative Assembly making such appropriation shall provide for levying a sufficient tax, not exceeding the rate allowed in Section 9 of this Article, to pay such appropriations or expenditures within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war. No appropriations of public moneys shall be made for a longer term than two years.

SEC. 13. The State Treasurer shall keep a separate account of each fund in his hands, and shall at the end of each quarter of the fiscal year report to the Governor, in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place or places where the same is kept or deposited, and the number and amount of every warrant paid or redeemed by him during the quarter. The Gov-

ernor, or other person or persons authorized by law, shall verify said report and cause the same to be immediately published in at least one newspaper printed at the seat of government, and otherwise as the Legislative Assembly may require. The Legislative Assembly may provide by law further regulations for the safe keeping and management of the public funds in the hands of the Treasurer; but, notwithstanding any such regulations, the Treasurer and his sureties shall, in all cases, be held responsible therefor.

SEC. 14. The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law, but part of such punishment shall be disqualification to hold public office.

SEC. 15. The Governor, Secretary of State, State Treasurer, State Auditor, and Attorney General shall constitute a State Board of Equalization, and the Board of County Commissioners of each county shall constitute a County Board of Equalization. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of the taxable property among the several counties of the State. The duty of the County Boards of Equalization shall be to adjust and equalize the valuation of taxable property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

SEC. 16. All property shall be assessed in the manner prescribed by law, except as is otherwise provided in this Constitution. The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization, and the same shall be apportioned to the counties, cities, towns, townships, and school districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities, towns, townships, and school districts.

SEC. 17. The word "property" as used in this Article is hereby declared to include moneys, credits, bonds, stocks, franchises, and all matters and things (real, personal, and mixed) capable of private ownership; but this shall not be construed so as to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by such stocks is within the State and has been taxed.

SEC. 18. The Legislative Assembly shall pass all laws necessary to carry on the provisions of this Article.

Article XIII.— Public Indebtedness.

Section 1. Neither the State, nor any county, city, town, municipality, nor other subdivision of the State shall ever give or loan its credit in aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscribe to, or a share-holder in, any company or corporation, or a joint owner with any person, company, or corporation, except as such ownership may accrue to the State by operation or provision of law.

Sec. 2. The Legislative Assembly shall not in any manner create any debt except by law which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purpose to which the funds so raised shall be applied and provide for the levy of a tax sufficient to pay the interest on, and extinguish the principal of, such debt within the time limited by such law for the payment thereof; but no debt or liability shall be created which shall, singly or in the aggregate with any existing debt or liability, exceed the sum of one hundred thousand dollars ($100,000), except in cases of war, to repel invasion or suppress insurrection, unless the law authorizing the same shall have been submitted to the people at a general election and shall have received a majority of the votes cast for and against it at such election.

Sec. 3. All moneys borrowed by, or on behalf of, the State or any county, city, town, municipality, or other subdivision of the State, shall be used only for the purpose specified in the law authorizing the loan.

Sec. 4. The State shall not assume the debt, or any part thereof, of any county, city, town, or municipal corporation.

Sec. 5. No county shall be allowed to become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five (5) per centum of the (value of the) taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by, or on behalf of, such county shall be void. No county shall incur any indebtedness or liability for any single purpose to an amount exceeding ten thousand dollars ($10,000) without the approval of a majority of the electors thereof, voting at an election to be provided by law.

Sec. 6. No city, town, township, or school district shall be allowed to become indebted in any manner or for any purpose to an amount,

including existing indebtedness, in the aggregate exceeding three per centum of the value of the taxable property therein, to be ascertained by the last assessment for the State and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by, or on behalf of, such city, town, township, or school district shall be void; *Provided, however*, that the Legislative Assembly may extend the limit mentioned in this Section, by authorizing municipal corporations to submit the question to a vote of the tax-payers affected thereby, when such increase is necessary to construct a sewerage system or to procure a supply of water for such municipality which shall own and control said water supply and devote the revenues derived therefrom to the payment of the debt.

Article XIV.— Military Affairs.

Section 1. The militia of the State of Montana shall consist of all able-bodied male citizens of the State between the ages of eighteen (18) and forty-five (45) years inclusive, except such persons as may be exempted by the laws of the State or of the United States.

Sec. 2. The Legislative Assembly shall provide by law for the organization, equipment, and discipline of the militia and shall make rules and regulations for the government of the same. The organization shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Sec. 3. The Legislative Assembly shall provide by law for maintaining the militia by appropriations from the treasury of the State.

Sec. 4. The Legislative Assembly shall provide by law for the safe keeping of the public arms, military records, relics, and banners of the State.

Sec. 5. When the Governor shall, with the consent of the Legislative Assembly, be out of the State in time of war, at the head of any military force thereof, he shall continue commander-in-chief of all the military forces of the State.

Article XV.— Corporations Other than Municipal.

Section 1. All existing charters, or grants of special or exclusive privileges, under which the corporations or grantees shall not have organized or commenced business in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. No charter of incorporations shall be granted, extended, changed, or amended by special law, except for such municipal, charitable, educational, penal, or reformatory corporations hereafter to be created; *Provided*, That any such laws shall be subject to future repeal or alterations by the Legislative Assembly.

SEC. 3. The Legislative Assembly shall have the power to alter, revoke, or annul any charter of incorporation existing at the time of the adoption of this Constitution, or which may be hereafter incorporated, whenever in its opinion it may be injurious to the citizens of the State.

SEC. 4. The Legislative Assembly shall provide by law that in all elections for directors or trustees of incorporated companies, every stockholder shall have the right to vote in person or by proxy the number of shares of stock owned by him for as many persons as there are directors or trustees to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit, and such directors or trustees shall not be elected in any other manner.

SEC. 5. All railroads shall be public highways, and all railroad, transportation, and express companies shall be common carriers and subject to legislative control, and the Legislative Assembly shall have the power to regulate and control by law the rates of charges for the transportation of passengers and freight by such companies as common carriers from one point to another in the State. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any designated points within this State and to connect at the State line with railroads of other States and Territories. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad.

SEC. 6. No railroad corporation, express, or other transportation company, or the lessees or managers thereof, shall consolidate its stock, property, or franchises with any other railroad corporation, express or other transportation company, owning or having under its control a parallel or competing line; neither shall it in any manner unite its business or earnings with the business or earnings of any other railroad corporation: nor shall any officer of such railroad, express, or other transportation company act as an officer of any other railroad company, express or other transportation company owning or having control of a parallel or competing line.

SEC. 7. All individuals, associations, and corporations shall have equal rights to have persons or property transported on and over any railroad, transportation, or express route in this State. No discrimination in charges or facilities for transportation of freight or passengers of the same class shall be made by any railroad or transportation or express company, between persons or places within this State; but excursion or commutation tickets may be issued and sold at special rates, provided such rates are the same to all persons. No railroad or transportation or express company shall be allowed to charge, collect, or receive, under penalties which the Legislative Assembly shall prescribe, any greater toll for the transportation of freight or passengers to any place or station upon its route or line, than it charges for the transportation of the same class of freight or passengers to any more distant place or station upon its route or line within this State. No railroad, express, or transportation company, nor any lessee, manager, or other employee thereof, shall give any preference to any individual, association, or corporation, in furnishing cars or motive power, or for the transportation of money or other express matter.

SEC. 8. No railroad, express, or other transportation company, in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution in binding form.

SEC. 9. The right of eminent domain shall never be abridged, nor so construed as to prevent the Legislative Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals; and the police powers of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

SEC. 10. No corporation shall issue stocks or bonds, except for labor done, services performed, or money and property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock first obtained at a meeting held after at least thirty days' notice given in pursuance of law.

SEC. 11. No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served. And no

company or corporation formed under the laws of any other country, State, or Territory, shall have, or be allowed to exercise, or enjoy, within this State any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of the State.

SEC. 12. No street or other railroad shall be constructed within any city or town without the consent of the local authorities having control of the street or highway proposed to be occupied by such street or other railroad.

SEC. 13. The Legislative Assembly shall pass no law for the benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the State, a new liability in respect to transactions or considerations already passed.

SEC. 14. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct or maintain lines of telegraph or telephone within this State, and connect the same with other lines; and the Legislative Assembly shall by general law of uniform operation provide reasonable regulations to give full effect to this Section. No telegraph or telephone company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph or telephone company owning or having control of a competing line, or acquired by purchase or otherwise, any other competing line of telegraph or telephone.

SEC. 15. If any railroad, telegraph, telephone, express, or other corporation or company organized under any of the laws of this State, shall consolidate, by sale or otherwise, with any railroad, telegraph, telephone, express, or other corporation, organized under any of the laws of any other State or Territory of the United States, the same shall not become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the State, in all matters that may arise, as if said consolidation had not taken place.

SEC. 16. It shall be unlawful for any person, company, or corporation to require of its servants or employees, as a condition of their employment or otherwise, any contract or agreement whereby such persons, company, or corporation, shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company, or corporation, by

reason of the negligence of such person, company, or corporation, or the agents or employees thereof; and such contracts shall be absolutely null and void.

SEC. 17. The Legislative Assembly shall not pass any law permitting the leasing or alienation of any franchise so as to release or relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

SEC. 18. The term "corporation," as used in this Article, shall be held and construed to include all associations and joint stock companies, having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue, and shall be subject to be sued in all courts in like cases as natural persons, subject to such regulations and conditions as may be prescribed by law.

SEC. 19. Dues from private corporations shall be secured by such means as may be prescribed by law.

SEC. 20. No incorporation, stock company, person, or association of persons in the State of Montana shall directly combine or form what is known as a trust, or make any contract with any person or persons, corporations, or stock company, foreign or domestic, through their stockholders, trustees, or in any manner whatever, for the purpose of fixing the price, or regulating the production of any article of commerce, or of the product of the soil, for consumption by the people. The Legislative Assembly shall pass laws for the enforcement thereof by adequate penalties to the extent, if necessary for that purpose, of the forfeiture of their property and franchises, and in case of foreign corporations prohibiting them from carrying on business in the State.

ARTICLE XVI.— MUNICIPAL CORPORATIONS AND OFFICERS.

SECTION 1. The several counties of the Territory of Montana, as they shall exist at the time of the admission of the State into the Union, are hereby declared to be the counties of the State until otherwise established or changed by law.

SEC. 2. The Legislative Assembly shall have no power to remove the county seat of any county, but the same shall be provided for by general law; and no county seat shall be removed unless a majority of the qualified electors of the county, at a general election on a proposition to remove

the county seat, shall vote therefor; but no such proposition shall be submitted oftener than once in four years.

SEC. 3. In all cases of the establishment of a new county it shall be held to pay its ratable proportion of all then existing liabilities of the county or counties from which it is formed, less the ratable proportion of the value of the county buildings and property of the county or counties from which it is formed; *Provided*, That nothing in this section shall prevent the readjustment of county lines between existing counties.

SEC. 4.* In each county there shall be elected three County Commissioners, whose term of office shall be six years; *Provided*, That the term of office of those elected on November 6, 1900, shall expire on the first Monday in January, 1907; *Provided farther*, That at the general election to be held in November, 1902 (in counties where commissioners are to be elected that year), three commissioners shall be elected whose terms shall expire on the first Monday in January, 1907; *Provided further*, That at the general election to be held in November, 1906, one commissioner shall be elected for a term of two years, one commissioner shall be elected for a term of four years, and one commissioner shall be elected for a term of six years, whose term of office shall commence on the said first Monday of January, 1907; *And provided further*, That at each general election thereafter, commencing with the general election to be held in November, 1908, one commissioner shall be elected for a term of six years. A vacancy in the Board of County Commissioners shall be filled by appointment by the judge of the judicial district in which the vacancy occurs.

SEC. 5. There shall be elected in each county the following officers: One county clerk, who shall be clerk of the County Commissioners and *ex officio* recorder; one sheriff; one treasurer, who shall be collector of taxes; *Provided*, That no person shall hold the office of county treasurer for more than two consecutive terms; one county superintendent of schools; one county surveyor; one assessor, one coroner; one public administrator. Persons elected to the different offices named in this Section shall hold their respective offices for the term of two years, and until their successors are elected and qualified. Vacancies in all county, township, and precinct offices, except that of County Commissioners, shall be filled by appointment by the Board of County Commissioners, and the appointee shall hold his office until the next general election.

SEC. 6. The Legislative Assembly may provide for the election or appointment of such other county, township, precinct, and municipal

*Approved Feb. 26, 1901.

officers as public convenience may require, and their terms of office shall be as prescribed by law, not in any case to exceed two years, except as in this Constitution otherwise provided.

Article XVII.— Public Lands.

Section 1. All lands of the State that have been, or that may hereafter be, granted to the State by Congress, and all lands acquired by gift or grant or devise, from any person or corporation, shall be public lands of the State, and shall be held in trust for the people to be disposed of as hereafter provided, for the respective purposes for which they have been or may be granted, donated, or devised; and none of such land, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the State; nor shall any lands which the State holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States. Said lands shall be classified by the Board of Land Commissioners as follows: First, lands which are valuable only for grazing purposes, Second, those which are principally valuable for the timber that is on them. Third, agricultural lands. Fourth, lands within the limits of any town or city or within three miles of such limits; *Provided*, That any of said lands may be reclassified whenever, by reason of increased facilities for irrigation or otherwise, they shall be subject to different classification.

Sec. 2. The lands of the first of said classes may be sold or leased, under such rules and regulations as may be prescribed by law. The lands of the second class may be sold, or the timber thereon may be sold, under such rules and regulations as may be prescribed by law. The agricultural lands may be either sold or leased, under such rules and regulations as may be prescribed by law. The lands of the fourth class shall be sold in alternate lots of not more than five acres each, and not more than one-half of any one tract of such lands shall be sold prior to the year one thousand nine hundred and ten (1910).

Sec. 3. All public lands may be disposed of in such manner as may be provided by law.

Article XVIII.— Labor.

Section 1. The Legislative Assembly may provide for a Bureau of Agriculture, Labor, and Industry, to be located at the capital, and to be under the control of a commissioner appointed by the Governor subject to the confirmation of the Senate. The commissioner shall hold his office for four years, and until his successor is appointed and qualified. His compensation shall be as provided by law.

Sec. 2. It shall be unlawful for the warden or other officer of any State penitentiary or reformatory institution in the State of Montana, or for any State officer, to let by contract to any person or persons or corporation the labor of any convict within said institutions.

Sec. 3.* It shall be unlawful to employ children under the age of sixteen years of age in underground mines.

Sec. 4.* A period of eight hours shall constitute a day's work in all works or undertakings carried on or aided by any municipal, county, or State government, and on all contracts let by them, and in mills and smelters for the treatment or ores, and in underground mines.

Sec. 5.* The Legislature by appropriate legislation shall provide for the enforcement of the provisions of this Article.

Article XIX.— Miscellaneous Subjects and Future Amendments.

Section 1. Members of the Legislative Assembly and all officers, executive, ministerial, or judicial, shall before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation, to-wit: "I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity; and that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law. So help me God." And no other

*Approved Dec. 10, 1903.

oath, declaration, or test shall be required as a qualification for any office or trust.

SEC. 2. The Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

SEC. 3. The Legislative Assembly shall enact suitable laws to prevent the destruction by fire from any cause of the grasses and forests upon lands of the State or upon lands of the public domain the control of which may be conferred by Congress upon this State, and to otherwise protect the same.

SEC. 4. The Legislative Assembly shall enact liberal homestead and exemption laws.

SEC. 5. No perpetuities shall be allowed, except for charitable purposes.

SEC. 6. All county officers shall keep their offices at the county seats of their respective counties.

SEC. 7. In the disposition of the public lands granted by the United States to this State, preference shall always be given to actual settlers thereon, and the Legislative Assembly shall provide by law for carrying this Section into effect.

FUTURE AMENDMENTS.

SEC. 8. The Legislative Assembly may at any time, by a vote of two-thirds of the members elected to each house, submit to the electors of the State the question whether there shall be a convention to revise, alter, or amend this Constitution; and if a majority of those voting on the question shall declare in favor of such convention, the Legislative Assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be the same as that of the House of Representatives, and they shall be elected in the same manner, at the same places, and in the same districts. The Legislative Assembly shall, in the act calling the convention, designate the day, hour, and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding, the members shall take an oath to support the Constitutions of the United States and of the State of Montana, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling

vacancies in the Legislative Assembly. Said convention shall meet within three months after such election and prepare such revisions, alterations, or amendments to the Constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two or more than six months after the adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration, or amendment shall take effect.

SEC. 9. Amendments to this Constitution may be proposed in either house of the Legislative Assembly; and if the same shall be voted for by two-thirds of the members elected to each House, such proposed amendments, together with the ayes and nayes of each House thereon, shall be entered in full on their respective journals; and the Secretary of State shall cause the said amendment or amendments to be published in full in at least one newspaper in each county (if such there be) for three months previous to the next general election for members of the Legislative Assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their approval or rejection. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished by numbers or otherwise that each can be voted on separately; *Provided, however*, that not more than three amendments to this Constitution shall be submitted at the same election.

ARTICLE XX.— SCHEDULE.

That no inconvenience may arise by reason of changing from a Territorial to a State form of government, it is declared as follows:

SECTION 1. All laws enacted by the Legislative Assembly of the Territory of Montana and in force at the time the State shall be admitted into the Union and not inconsistent with this Constitution or the Constitution or laws of the United States of America, shall be and remain in full force as the laws of the State until altered or repealed, or until they expire by their own limitation: *Provided*, That whenever in said laws the words, "Territory," "Montana Territory" or "Territory of Montana" occur, the words "State" or "State of Montana" shall be appropriately substituted and read therefor; *And, provided further*, That the duties which now by law devolve upon probate judges as jury commissioners and in relation to issuing marriage licenses and filing and recording

marriage certificates, and the duties as *ex officio* clerks of their own courts, shall, until otherwise provided by law, devolve upon and be performed by the clerks of the District Courts in their respective counties; *And, provided further*, That the duties of probate judges now imposed by law relative to town sites and to the approval of bonds of other county officers shall, until otherwise provided by law, be performed by the district judges in the several counties in their respective districts.

SEC. 2. All lawful orders, judgments, and decrees in civil causes, all contracts and claims and all lawful convictions, judgments, and sentences in criminal actions, made and entered, or pronounced by the courts within the Territory of Montana, and in force at the time the State shall be admitted into the Union, shall continue and be and remain in full force in the State unaffected in any respect by the change from a Territorial to a State form of government, and may be enforced and executed under the laws of the State.

SEC. 3. No crime or criminal offence committed against the laws of the Territory of Montana shall abate, or be in any wise affected, by reason of the change from a Territorial to a State form of government; but the same shall be deemed and taken to be an offence against the laws of the State, and the appropriate court of the State shall have jurisdiction over and to hear and determine the same; *Provided*, That this Section shall not in any wise be construed to change the law of the statute of limitations, or the due effect or application of the same.

SEC. 4. Except as herein otherwise provided, the word "district" shall be substituted and read in lieu of the word "probate" in the terms "probate court" or "probate judge," whenever the same occur in the laws of the Territory of Montana, and all said laws which by their terms apply to Probate Courts or probate judges shall, except as in this Constitution otherwise provided, upon a change from Territorial to State government, be deemed and taken to apply to Districts Courts and district judges; *Provided*, That all laws allowing fees to probate judges are hereby repealed.

SEC. 5. Clerks of District Courts, until otherwise provided by law, shall each perform the duties and be entitled to the same fees as now provided by law for clerks of the District Courts of the Territory, and until otherwise provided by law shall also perform the services and be entitled to fees therefor that are now provided for clerks of Probate Courts.

SEC. 6. Upon a change from Territorial to State government the seals in use by the Supreme Court and the Territorial District Courts in

and for the several counties respectively, shall pass to and become, until otherwise provided by law, the seals respectively of the Supreme Court and of the District Courts of the State in such counties.

SEC. 7. Prosecutions for criminal offences against the laws of the Territory of Montana, pending at the time the State shall be admitted into the Union, shall not abate; but the same shall continue and be prosecuted in the name of the State of Montana, and the title of every such action shall be changed to conform to this provision.

SEC. 8. Parties who, at the time of the admission of the State into the Union, may be confined under lawful commitments, or otherwise lawfully held to answer for alleged violations of any of the criminal laws of the Territory of Montana, shall continue to be so confined or held until discharged therefrom by the proper courts of the State.

SEC. 9. All writs, processes, prosecutions, actions, causes of action, defences, claims and rights of individuals, associations and bodies corporate existing at the time the State shall be admitted into the Union, shall continue and be respectively executed, proceeded with, determined, enforced, and protected under the laws of the State.

SEC. 10. All undertakings, bonds, obligations, and recognizances in force at the time the State shall be admitted into the Union, which were executed to the Territory of Montana, or any officer thereof in his official capacity, or to any official board for the benefit of the Territory of Montana, are hereby respectively assigned and transferred to the State of Montana, to the State officer successor to said Territorial officer, or to the official board successor to the aforesaid official board, for the use of the State, as the case may be, and shall be as valid and binding as if executed under State law to the State, or State officer in his official capacity, or official board, for the benefit of the State; and all fines, taxes, penalties, and forfeitures due or owing to the Territory of Montana or to any county, school district, or municipality therein, at the time the State shall be admitted into the Union, are hereby respectively assigned and transferred, and the same shall be payable to the State, county, school district, or municipality, as the case may be, and payment thereof may be enforced under the laws of the State.

SEC. 11. All property, real or personal, and all moneys, credits, claims, demands, and choses in action of every kind, belonging to the Territory of Montana at the time the State shall be admitted into the Union, are hereby assigned and transferred to, and shall be vested in, and become the property of the State of Montana.

SEC. 12. All obligations of the Territory of Montana, existing, in force and unpaid at the time of the admission of the State into the Union, are hereby assumed by the State, which shall and will well and truly pay the same.

SEC. 13. All matters, cases, and proceedings pending in any Probate Court in the Territory of Montana, at the time the State shall be admitted into the Union, and all official records, files, moneys, and other property of, or pertaining to such court, are hereby transferred to the District Court in and for the same county, and such District Court shall have full power and jurisdiction to hear, determine, and dispose of all such matters, cases, and proceedings.

SEC. 14. All actions, cases, and proceedings, and matters which shall be pending in the Supreme and District Courts of Montana Territory at the time of the admission of the State into the Union, whereof the United States Circuit or District Court might have had jurisdiction, had such court existed at the commencement of such actions, cases, proceedings, and matters, respectively, shall be transferred to the United States and District Courts respectively; and all the files, records, indictments, and proceedings relating to such actions, cases, proceedings, and matters shall be transferred to said United States Courts; *Provided*, That no civil action, cause, or proceeding to which the United States is not a party shall be transferred to either of said United States Courts except upon written request of one of the parties thereto, and in the absence of such request, such case shall be proceeded with in the proper State courts.

SEC. 15. All actions, cases, proceedings, and matters pending in the Supreme and District Courts of the Territory of Montana at the time the State shall be admitted into the Union, and all files, records, and indictments relating thereto, except as otherwise provided herein, shall be appropriately transferred, as may be proper, to the Supreme and District Courts of the State, respectively, and all such actions, cases, and matters shall be proceeded with in the proper State courts.

SEC. 16. Upon a change from a Territorial to a State government, and until otherwise provided by law, the Great Seal of the Territory shall be deemed and taken to be the Great Seal of the State of Montana.

SEC. 17. All territorial, county, and township officers now occupying their respective positions under the laws of the Territory of Montana, or of the United States of America, shall continue and remain in their respective official positions and perform the duties thereof as now provided by law after the State is admitted into the Union, and shall be considered

State officers until their successors in office shall be duly elected and qualified, as provided by ordinance, notwithstanding any inconsistent provisions in this Constitution, and shall be entitled to the same compensation for their services as is now established by law; *Provided*, That the compensation for Justices of the Supreme Court, Governor, and Secretary of the Territory shall be paid by the State of Montana.

Done in open convention at the city of Helena in the Territory of Montana, this seventeenth day of August, in the year of our Lord, one thousand eight hundred and eighty-nine.

INDEX

INDEX

A

Alaskan caribou herds, 62
Alder Gulch, 90, 95, 102, 104, 105
Always-Summer Land, 176
Annuities, Indians', 132
Assiniboin Indians, 39, 149, 151, 154, 161
Assiniboins and Piegans, fight between, 57, 58
Asté, Father d', 35
Audubon, 118

B

Bacon, price of, to pioneers, 124
Bannack Indians, 33
Bannack, Mont., 96, 100–102, 106, 108, 125–127
Beading on Indian costumes, 173
Beans, price of, to pioneers, 124
Bears, brown and grizzly, 24
Beaver skins, money in Indian country, 61
Beavers and porcupines, story of, 155, 156
Bells worn by Indian dancers, 172
Benteen, Major, 136–139
Big Hole, battle of the, 129, 131, 140–145
Big Hole River, 141
Big Horn River, 45
"Big Indian Me" (Kenneth McKenzie), 60
Birch-bark canoes not used by Montana Indians, 64
Bitter Root Mts., 37, 120, 140, 163
Bitter root plant, 163
Bitter Root Valley, 140, 145, 163
Blackfeet, 33, 38, 39, 41-46, 58–60, 129, 131, 146, 150, 151, 156, 161, 170
Boat, annual, up the Missouri, 75, 121, 123, 129
Boats, river, 63–75, 118
Boy, Indian, story of, 158, 163–167
Bozeman Pass, 45, 89
Bridger, James, 47, 48
Buffalo Bill, 91
Buffalo hides, 18, 61, 158
Buffaloes, and Indians' dependence upon them, 17, 18, 28, 61, 62, 68, 69, 119, 129, 134, 158–160
Bull-boats, 18, 64, 74
Burial customs, 151

C

Cache, method of constructing, 32
California, gold discovered in, 81
Calumet, or peace pipe, 152
Camas roots, 162
Cape Horn route to Oregon, 80
Capitol building, Helena, 125
Caribou herds, 62
Chardon, trader, 58, 59
Church in frontier town, 128
Circles, tepees arranged in, 17, 20
Civil War, Indian uprising during, 96, 123
Clark, Captain, 16, 20, 22, 23, 26, 28, 29, 32, 33, 36, 38
Clothing of pioneers, 128
Coffee, price of, to pioneers, 124
Cold Maker, legend of, 156
Colors, Indian, 173
Colter, John, 38, 40–46, 48, 118
Colter's Hell, 46
Columbia River, 37
Competition for Indian trade, 60, 61
Confederate Gulch, 103
Cooking, Indian methods of, 161, 162
Copper found in Montana, 104

"Cordelle," rope for hauling boat, 65
Corn-dance, 171
Costumes at Indian dance, 172
Coups, and coup-sticks, 138, 165
Courts of law, 106, 116, 125
Cowards, Indians' treatment of, 164
Creation, Indian legends of the, 146–149
Crook, General, 134
Crooked Falls, 29, 30
Crow Indians, 33, 39, 54–57, 97–100, 148, 149
Cruelty learned by Indian boys, 163
Custer, Major-General George, 134–139, 145
Custer Massacre, *see* Little Big Horn, battle of the

D

Dancing, Indian, 171, 172
Deer, 20
De Smet, Father, 83, 153, 154
Dishes, Indian, 160
Dogs used by Indians, 169
Dreams, Indians believe, 156, 157
Dress, Indian, 158, 172–174
Dugouts, 63, 74

E

Eagles and eagle feathers, 20, 133, 166, 167
Eclipses, Indians' conduct during, 152, 153
Edgar, Henry, 97, 101
Elk, 20, 134

F

Fairweather, Bill, 97–99, 101
Farms, Indians on, 175
Feasts, Indian, 167
Fire-canoes, 63, 66, 90, 131, 153
Fire horn, 161, 162
Fire, methods of producing and saving, 44, 161, 162
Fire-wagons, 153
Flathead Indians, 33, 35, 36, 118, 123, 149, 150, 155, 156
Flour, price of, to pioneers, 124
Food of pioneers, 55, 76, 119, 123, 124
Fords, wagon trains at, 87, 88
Forests of Montana, 19
Fort Benton, 52, 62, 74, 95, 97, 106, 115, 118, 121, 123, 129
Fort Colville, eastern Washington, 120
Fort McKenzie, 57
Fort Sarpy, 54–57
Fort Union, 23, 51, 60, 61, 74, 118 121
Fort Vancouvre, 120, 122
Forts, 50–54, 62, 74
Fox-tails in place of hair, 175
French explorer (1743), 22
Fuel of river steamboats, 70
Fur-trade, 16, 50, 52, 59-62, 75

G

Gallatin Valley, 45
Gardens, pioneers', 55, 119, 120, 123
Gates of the Mountains, 31
Gibbon, General, 134, 139, 143, 145
Girl, Indian, story of, 168
Glass Mountain, Bridger's story of, 47, 48
Gold, discovery of, 71, 75, 89, 95–105, 123
Gold-dust currency, 128
Gooseberry juice used for ink, 124
Government guides, 47, 48
Grass-dance, 171
Grasshopper Creek, 96
Great Falls of the Missouri, 16, 25, 29, 31, 38
"Great Medicine Road of the Whites," 81, 82, 131
Great Salt Lake, 47
Great Spirit, 146, 152, 154
"Gumbo," 30
Guns, Indians had none before whites came, 17

H

Hair, long, 47, 175
Hamilton, William T., 171
Harvey, trader, 58, 59
Hauser, S. T., 110, 111

Heaven, Indians' ideas of, 150
Helena, 31, 103, 106, 115, 126, 127
Hell Gate, gold discovered at, 95
Holes" among mountains, 19
Horse-stealing, 165
Horses used by plains Indians, 76
Hotel, primitive, 127

I

Idaho, 105, 140
Indians, their name for Montana, 15, 21; traded with whites, 16, 50–62, 118; camp life of, 17, 158–170; dependent upon buffalo, 17, 18, 158–160; had no guns before whites came, 17; their name for Yellowstone River, 23; their name for Milk River, 24; their description of Missouri River, 27, 29; Montana tribes, 33, 35; signs and sign language of, 34, 49, 79, 80, 170, 171; tobacco introduced to, 36; attacks upon whites by, 38–46, 77–79, 82, 129, 133; feared natural wonders in Yellowstone country, 46; attacks upon "fire-canoes," 66, 69-73, 82, 86–94, 123, 124, 133; mounted, 76; what they thought of the great trail, 82; what they meant by "medicine," 83, 153; tried to drive out miners, 97–100, 103; in battles with Government troops, 117, 131–145; gave up lands and went on reservations, 123, 132, 133; beliefs and legends of, 146–157; burial customs of, 151; music, dancing, dress, and life on reservations, 171–176
Iron Bull, Crow chief, 149

J

Jefferson, President, 22
Jefferson River, 34, 40

K

Kalispels (Pend d' Oreilles), 33, 123
Kansas, buffalo herds in, 159
Kansas City, *see* Westport, Mo.
Keelboats, 64
"King of the Missouri" (Kenneth McKenzie), 60
Kinnikinnick, used by Indians for tobacco, 36
Kootenai Indians, 123

L

La Barge, quoted, 67
Lakes, formation of, 20
Land of Shining Mountains, 15, 21, 29, 63, 74, 76, 90, 103, 105, 118, 175
Langford, N. P., 110–112
Last Chance, 90, 103, 105
Legends, Indian, 146 *et seq.*
Legislature, first, 125
Lemonade at reservation dance, 173
Lewis and Clark Expedition, 15, 16, 22–38, 40, 117
Lewis, Captain, 16, 20, 22, 23, 26–29, 32–34, 36, 38
Lewiston, court at, 106
Lightning, how Indians explain, 154
Lisa's Fort, 44, 45, 118
Little Big Horn, battle of the, 117, 129, 131, 134–139, 145
Little Crow, Crow chief, 99
Logan, General, 143
Lo Lo Pass, 140
Lo Lo trail, 37
Louisiana Purchase, 22, 23

M

Mackinaw boats, 64
Mail routes and service, 90–94, 106, 124
Manitou, 152
Maria's River, 26–28, 38, 57
Masonic organization against road-agents, 112
Matches called "medicine," 153, 154
Maximilian of Wied, Prince, 118
McKenzie, Kenneth, 60
"Meat straight" year, 124
"Medicine," 56, 83, 91, 153
"Medicine pipe," 152
Meldrum, trapper, 46
Milk River, 23

Milky Way, Flatheads' road to heaven, 149, 150, 176
Miners, 20, 105–108, 123
Miners' courts, 125
Minister, trials of pioneer, 127, 128
Missionaries, 83, 118–121, 153
Missouri River, 16, 17, 21, 23, 25–31, 38, 51, 52, 61, 63, 66–74, 76, 90, 97, 106, 118, 129
Money in Indian country, 61
Montana, Indian name of, 15, 103, 104; first known by present name and organized into Territory, 15, 96, 104, 106, 116, 124; area of, 21; Lewis and Clark in, 23 *et seq.*; thrilling stories in history of, 40; fur-trade in, 52; buffalo herds of, 62; birch-bark canoes never used in, 64; trail to California gold-fields did not lie through, 81; missionaries in, 83, 118, 119; gold-bearing gulches in, 103; growth of population in, 103; early days in, 105, 117; Governor of, 110; courts established in, 116, 125; railroad across, 117; Oregon Trail did not lie through, 118; discovery of gold in and settlement of, 123, 175; first legislature in, 125; first public school in, 126; first newspaper in, 126; Indian troubles in, not extensive, 129; present aspect of, 130; two Indian battles in, 131; State flower of, 163
Montana Post, The, 126
Moose, 20
Mountain lions, 20
Mountain sheep, 20, 134
Mountains, getting wagon trains over, 87, 88
Mounted Indians, 76
Moving camp, 168
Music, Indian, 171, 172

N

Nails, price of, to pioneers, 124
News, Indians eager for, 170
News Letter, The, 126
Newspapers, first, in State, 126
Nez Percé Indians, 140

O

Old Man, Blackfoot name for Great Spirit, 146, 152, 170
Ootlashoot Indians, 35
Oregon, 80, 97, 122
Oregon Trail, 80, 81, 97, 118
Owning, Indians' ignorance of meaning of, 132
Ox teams on Oregon Trail, 81

P

Pack-trains, 76–78
Pails of buffalo skin, 158, 168
Painting an Indians' face, meaning of, 34
Panthers, 20
Papoose, manner of caring for, 168
Pemmican, 17
Pend d' Oreilles, (Kalispels), 33, 123
Piegan Indians, 149
Piegans and Assiniboins, fight between, 57, 58
Pierre, S. Dak., 74
Pioneers in Montana, 89, 117, 124; gold-dust currency of, 128; Indian troubles of, 129
Pipe of peace, or calumet, 152
Plains of Montana, 17, 19
Platte River, 80, 81, 89
Plummer, Henry, 110–112, 114, 115
Poling boats, method of, 65, 66
Ponies, Indian, 18
Pony Express riders, 90–94, 106
Porcupines and beavers, story of, 155, 156
Postage, 106, 124
Potatoes, price of, to pioneers, 124
Potts, companion to John Colter, 40–42
Prairie fire, 84–86
Prairie schooner trains, 76, 81
Prices of hotel accommodations, supplies, etc., 124, 127
Prickly pear cactus, 30, 42, 130
Priests in Montana, 95
Prison, Indians in, 175
Public school, first in State, 126
"Punk tree," burning a, 80

R

Railroad across Montana, 117, 122, 123, 131
Rainbow Falls, 29
Red Bear, Crow chief, 99
Reno, Major, 136–139
Reservations, Indian, 123, 132–134, 139, 171, 175
Rifles supplied to Indians and troops, 135
"Rim rock," 101
Road-agents, 106-116, 125
Rock Mountains, 22
Rocky Mountains, 48
Ross's Hole, 35
Routes for eastward-bound miners, 106

S

Sacajawea, 25, 31, 33–35
Sacramento, Calif., 91
St. Ignatius Mission, 35
St. Joseph, Mo., 91
St. Louis, 23, 38, 61, 74, 89, 115
Salt Lake City, 106, 110, 111, 125
Sand Hills, Blackfoot land of departed spirits, 150, 151
Sand Hole, accommodations at, 125
Sanders, Colonel Wilbur F., 112, 113
"Savage Mountains," 37
"Sawyers," or snags, 67
Scalp-dance, 171
Scalp lock, 175
Scalp-taking, 39, 60, 78, 138, 165
School, first public, in State, 126
Selling, Indians' ignorance of meaning of, 132
Sham battle on reservation, 174
Shining Mountains, 15, 16, 19, 21, 22, 28, 29, 37, 40, 47–49, 63, 74–76, 78, 80, 95, 96, 104, 105, *see* Land of Shining Mountains
Shoshone Indians, 33, 35
Sign language, 170, 171
Signs, Indian, 34, 49, 79, 80, 164
Silver found in Montana, 104
Sioux Indians, 135, 137, 151, 154
Sitting Bull, 134, 139
Sleds of buffalo ribs, 158, 160
Snags in Missouri River, 67
Snake Indians, 33
Snowy Mountains, 22
Spalding, Mrs. H. H., 80
Squaws, Indian, 17, 18, 57, 167, 168
Stage lines, 106, 125
"States, the," 45, 117, 122
Steamboats ("fire-canoes"), 63, 66–75, 118
Stevens, General Isaac I., 123, 131
"Stone-boilers" (Assiniboins), 39, 161
Stones, hot, cooking with, 161, 162
Stony Mountains, 22
Stories told about Indian camp-fire, 169, 170
"Story-land" of Indians, 134, 137
Stuart, Granville, 96
Stuart, James, 96, 97
Sublette, William, 47, 48
Sugar, price of, to pioneers, 124
Sun-dance, 171
Sun worship, 152
Sunday in frontier town 126, 127

T

Telegraph line established, 126
Tepee grave, 151
Tepees arranged in circles, 17, 20
Territory of Montana organized, 96, 104, 106, 116, 124
Terry, General, 134, 139
Three Forks of the Missouri, 31, 33, 38
Thunder, Indians' fear of, 154
Tobacco, first use of, by Indians, 36
"Tom-tom" music, 172
Totem of tribe, 155
Totem pole, 155
Traders, 16, 20, 52–60, 76, 95, 131
Trading posts, 50–54, 118
Trails, Indian and wagon, 79, 82
Trappers, 16, 20, 39, 40, 45, 46, 48, 49, 70, 76, 79, 80, 95, 118
Travois, 160, 169
Trial of murderer, 112, 113

U

Utensils, Indian, 160

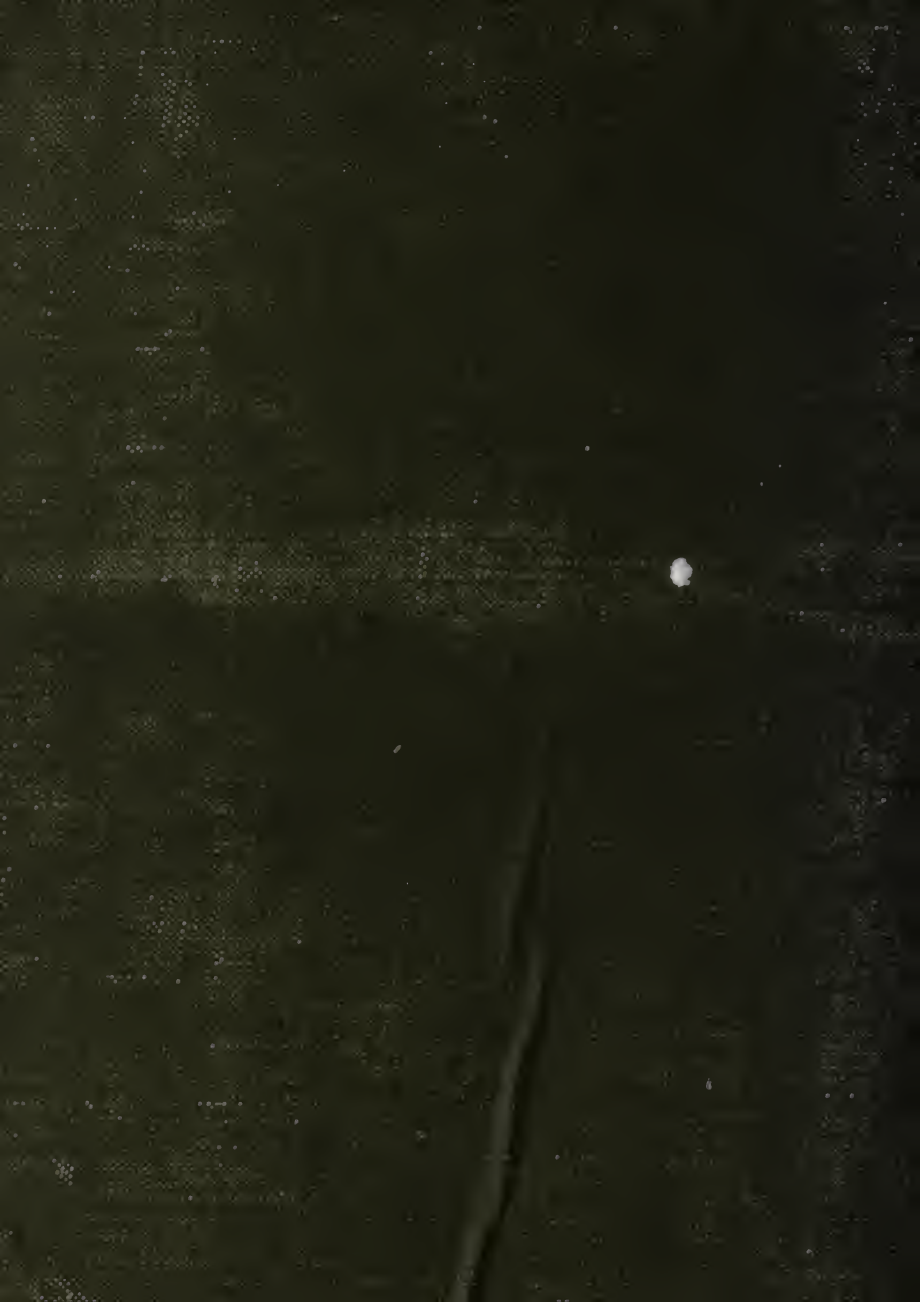
V

Vegetable food of Indians, 119, 162, 163
Vigilantes, 114–116
Virginia City, 102, 108, 110, 126

W

Wages, miners', 129
Wagon trains, 76, 80–90
Wagons used as stages, 106
"Walking soldiers," 140, 142, 144, 145
War-cry, Blackfoot, 41, 43
War-dance, 171
Washington, 80
Water, easier to travel by, 23
Waterfalls of the Missouri, 16, 17, 27, 29, 30
Weasel tails on Indian costume, 172
Webster, Daniel 122
Westport, Mo. (Kansas City), 89
Wheels cut from tree-trunk, 31
White buffalo skin, 153
"White Indians," 58
White men among Shining Mountains 15, 16, 20, 22, 36, 71, 95, 97, 103, 105, 133, 175
Whitman, Mrs. Marcus, 80
Wild animals aboard steamer, 73, 74
Wind River Mountains of Wyoming, 80
Wolves, 20, 40, 77
Women and children in wagon trains, 80–83
Women did work of Indian camp, 168
Wyeth, Captain, 39
Wyoming, 89

Y

Yankton, court at, 106
Yellowstone, first steamer on Missouri 74
Yellowstone Park country, 46, 47
Yellowstone River, 23, 38, 45, 51, 54 74, 97, 133, 134
Yukon, caribou herds of the, 62

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